

United States Government

Department of Energy

memorandum

DATE: July 24, 2002

REPLY TO:
ATTN OF: EM-51 (Geiser: 6-9280)

SUBJECT: Draft Long-Term Stewardship Strategic Plan

TO: Distribution

The purpose of this memorandum is to provide draft version 2.0 of the Department of Energy's, Long-Term Stewardship (LTS) Strategic Plan for your review and comment. The draft is included as Attachment A. The LTS Strategic Plan will establish the goals, objectives, strategies and performance measures needed to ensure adequate long-term protection of human health and the environment following completion of cleanup. Field Offices are encouraged to distribute this second draft of the Strategic Plan to their local Site Specific Advisory Boards for their review and comment.

We appreciate the comments provided on the December 7, 2001, version of the LTS draft Strategic Plan. A comment resolution package is included as Attachment B.

Please refer to the "Note to Reader" from Mr. Dave Geiser, Director of the Office of Long-term Stewardship included on pages i and ii of draft version 2.0 for instructions on how and to whom to provide comments. Comments are requested by September 6, 2002. If you have any questions please contact Mr. Geiser on (202) 586-9280.


Jessie Hill Roberson
Assistant Secretary for
Environmental Management

Attachments

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Department of Energy's Long-Term Stewardship Strategic Plan

Note to Reader

Thank you for reviewing this second draft of the Department of Energy's Long-Term Stewardship Strategic Plan. This plan was revised in consideration of comments provided by over 37 sources on the December 7, 2001 draft plan. A comment resolution table is available upon request.

This draft differs from the December 7, 2001 draft plan in several ways.

- The performance measures under each goal are reduced in number and more focused on currently measured activities or activities that will be measurable in the near future.
- The "Comments" sections have been removed. The issues raised in each of the comment sections were generally incorporated into the second draft or presented to senior DOE management for resolution. In addition, the introduction of the second draft contains further discussion of the issues and how they are to be resolved generally.
- Essentially the thrust of the three major goals remains the same. In many cases, duplicative objectives and strategies were combined under one or more of the three goals to clarify and simplify the plan.
- In addition, this draft plan increases the emphasis (by the creation of a stand-alone objective from at least three varying objectives and strategies) on the Department's responsibilities as land manager as it relates to the Department's responsibility for maintaining and monitoring environmental remedies in coordination with other federal, state, local, or tribal government entities.
- New objective 1.2, "Minimize the Department of Energy Environmental Liability for Long-Term Stewardship Consistent with Laws and Regulations," captures the stewardship minimization concept through (a) limiting the potential influx of additional sites requiring DOE to maintain long-term stewardship from federal (including DOE programs) or private entities; (b) working with appropriate other federal, state, and local government entities to develop land management and/or remedy maintenance and monitoring options; and (c) identifying alternative funding mechanisms and other potential liability-reducing strategies.
- The discussion of the current context for long-term stewardship has been increased to include, for example, a brief discussion of the various legal and regulatory frameworks and related issues and the Department's potential future scope of long-term stewardship responsibilities (including the potential changes in the Department's long-term stewardship responsibilities due to mandatory or discretionary transfers of sites into federal ownership or between federal owners).
- The potential performance measures are now presented in Appendix A of the draft plan as "Implementation Actions for the Department of Energy Long-Term Stewardship Strategic Plan." These action items will form the basis for, and be integrated into, a follow on implementation plan.
- Appendix B of the draft plan is added to reference many of the key reports, studies, or other material that serve as the foundation for the Department's long-term stewardship effort.

The second draft of the plan continues to focus on a five-year implementation time frame to ensure that current long-term stewardship obligations continue to be met and that the creation of future liabilities is minimized. The emphasis on near-term activities, such as integrating long-term stewardship into existing Departmental systems and processes, will enable the Department us to address those longer-term issues effectively. Because this will be a Department-wide plan, we recognize the need to eventually identify roles and responsibilities. Upon completion of the plan (i.e., after all Departmental elements have agreed to the strategies contained in this plan), the Department as a whole will need to develop an implementation strategy as a companion or other follow-on document.

Finally, considering the interest and the number of comments provided on the first draft, we anticipate a large volume of comments on this draft. Therefore, please provide comments with the following considerations:

- Electronic versions of comments are preferred. If this is not possible, please provide comments via fax to ensure timely receipt.
- Please identify the issue or concern; cite to the goal, objective, or strategy of concern; and then provide suggested or alternative language to address the concern.
- Finally, please recognize that "strategic planning" generally, and particularly within the long-term stewardship context, is an iterative process. Therefore, we anticipate that, even when "finalized" the plan will be revisited over time, and it will be changed to accommodate new developments in, or knowledge about, long-term stewardship. For now, this draft plan identifies many near-term (and some longer-term) activities that will be necessary to undertake to ensure success.

Please forward all comments to:

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This draft (Version 2.0) will be circulated within the Department (Field Offices are encouraged to provide it to their local site-specific advisory boards for review and comment) and to interested national intergovernmental and stakeholder groups for comment. Comments on this version are due by C.O.B. September 6, 2002. We intend to incorporate/resolve the comments on this version and to release the "final" draft of the plan by October 2002.

Thank you again, in advance for your time, attention and comments on this draft. Please do not hesitate to contact me on (202) 586-9280, if you have any questions.

Dave Geiser
Director, Office of Long-Term Stewardship

Message from the Secretary of Energy (proposed)

The Department of Energy continues to be a leader in meeting this country's needs in the areas of energy, national security, science, and environmental protection. Our accomplishments in ensuring our national defense and in providing more, and better, energy alternatives are undeniable.

The Department also continues to make progress in addressing the challenges of reducing the environmental consequences of our actions and expediting the cleanup of our sites. The accelerated cleanup effort clarifies the need for a comprehensive Department-wide approach to ensuring that our investment in hundreds of sites across the country remains viable and that the environmental remedies put in place remain protective of current and future generations.

Through this long-term stewardship strategic planning process, we are able to focus the enormous scientific and technical capacity of the Department on achieving the goal of sustained environmental protection. The issues addressed in this plan relate not only to the challenges facing the Department, but also to the challenges facing other governmental and private entities engaged in cleanup and reuse of environmentally impacted properties.

Although the goals contained in this plan cut across programs, core competencies, and technical disciplines, I am confident the Department, in coordination with our federal, state, local and tribal government partners and stakeholders, can achieve them. To this end we will continue to work with these interested entities to develop new, innovative, and workable assurances to long-term environmental protectiveness.

This plan is the initial step in an ongoing and iterative effort to define and integrate long-term stewardship into the business activities of the Department of Energy. The plan helps to shape the development of the fiscal year 2004 budget and will be integrated into future Departmental budgets.

The goals, strategies, and performance measures presented in this plan enable us to better understand the indicators of progress toward our vision of providing continuing leadership in addressing some of this country's most important environmental and long-term stewardship needs. I look forward to working with you to realize the goals and objectives of this long-term stewardship strategic plan.

Spencer Abraham
Secretary of Energy

Executive Summary (to follow)

Table of Contents

Message from the Secretary of Energy (proposed)	iii
Executive Summary (to follow)	iv
Part I. Background and Structure	1
<i>Understanding the Structure of this Plan</i>	1
<i>Seven Draft Principles Used to Develop This Plan</i>	1
Part II. Situational Analysis	3
<i>Setting the Stage: Current Context</i>	3
<i>A Strategy for Coordinating Long-Term Stewardship Activities to Ensure Timely and Cost-Effective Cleanup</i>	4
<i>The Potential Impact of Changing Factors</i>	8
Part III. Mission, Vision, and Goals	9
<i>Goal I. Post-Remediation Responsibility and Liability Are Effectively Managed</i>	10
<i>Goal II. Long-Term Stewardship Responsibilities Are Understood and Built into the Way the Department Does Business</i>	12
<i>Goal III. The Capability and Tools Are in Place to Ensure the Effectiveness of Long-Term Stewardship for Current and Future Generations</i>	14
Appendix A. Implementation Actions for the Department of Energy's Long-Term Stewardship Strategic Plan	16
Appendix B. Long-Term Stewardship References	20

Part I. Background and Structure

Understanding the Structure of this Plan

This Department of Energy's Long-Term Stewardship Strategic Plan is designed to be similar in structure to, and consistent with, the Department of Energy's Strategic Plan, which is based on the requirements and definitions in the Government Performance and Results Act (Public Law 103-62). This Long-Term Stewardship Strategic Plan supports the core values, vision, and objectives of the Department's mission and should be considered a lower-level component of the Department's overall strategic plan. Ultimately, the elements of the Long-Term Stewardship Strategic Plan should be incorporated into all relevant Departmental management initiatives and strategic planning.

The three general goals identified in the Long-Term Stewardship Strategic Plan are outcome oriented and are presented in a manner that allows for assessment of progress in the future. Performance measures specify the basis by which the Department will ascertain its progress toward achieving these goals. Objectives define the major accomplishments that contribute to achieving each general goal. The objectives are measurable, achievable, and have reasonable targets with deadlines. Finally, each objective has a set of strategies, which are the activities that will lead to its accomplishment.

Seven Draft Principles Used to Develop This Plan

The Long-Term Stewardship Executive Steering Committee (representatives from Field Office and Headquarters Program Secretarial Offices) played a key role in the development of this plan and in the implementation of the Department's long-term stewardship effort. The Executive Steering Committee has developed draft long-term stewardship principles to guide the development and implementation of this plan. The draft principles, to be finalized as this strategic plan is finalized, are as follows:

1. **Long-term stewardship is a Department-wide responsibility.**

As a whole, the Department is committed to the protection of human health and the environment in all of its actions. To ensure success, all Departmental elements must consider long-term stewardship as an integral part of the Department's mission.

2. **Long-term stewardship is a component of all aspects of Departmental decision making.**

It is the responsibility of sites and Headquarters offices to ensure that long-term stewardship is considered in each decision that impacts DOE cleanup. This responsibility extends from the identification of remediation alternatives, remedial design, construction, and operation and through all relevant decisions made over the lifetime of the hazards.

3. **The Department is a trustee of natural and cultural resources.**

Residual hazards should be managed within the larger context of federal land management, which includes trusteeship for ecologically and culturally important areas. The Department will manage these hazards in accordance with applicable regulatory requirements.

4. **Long-term stewardship should be incorporated into relevant Departmental policies, practices, and systems.**

Long-term stewardship will be most effective when integrated into existing Departmental processes and management systems. As these DOE policies, practices, and systems (such as Life-Cycle Asset Management, Integrated Safety Management, and Environmental Management Systems) are reviewed and/or implemented, a broad range of long-term stewardship activities and needs may be incorporated. This approach will facilitate the establishment of long-term stewardship as an essential element of all facets of Departmental missions.

5. An intergenerational approach is needed for long-term stewardship.

Long-term stewardship is an enduring commitment by the federal government. Due to the longevity of hazards, the ramifications and costs of current and future decisions and missions will be experienced by generations to come. As these generations' land use practices and local community structures change over time, current assumptions that guide Departmental policy may require reevaluation and modification.

6. Long-term stewardship policy must provide a consistent framework and acknowledge sites' need for flexibility.

Although a consistent framework for long-term stewardship is required for complex-wide management, Headquarters and sites must be responsive to site-specific

requirements (local, tribal, state, regional, and federal). Therefore, Departmental long-term stewardship policy must be sufficiently flexible to enable sites to perform necessary long-term stewardship functions within their individual regulatory frameworks and communities.

7. The involvement of stakeholders and state, local, and tribal governments is critical to long-term stewardship.

The Department has the responsibility to consult with these affected parties on long-term stewardship issues. Ongoing interaction and exchange increases public awareness. In turn, heightened public awareness facilitates informed decision making and increases the likelihood of successful implementation of long-term stewardship.

Part II. Situational Analysis

Setting the Stage: Current Context

The activities of the Department of Energy and predecessor agencies, particularly during World War II and the Cold War, have left a legacy of radioactive and chemical waste, environmental contamination, contaminated facilities, and hazardous materials at more than 100 sites across the United States. During the past decade, the Department has made significant progress in addressing this environmental legacy and has reduced the risks and costs associated with maintaining safe conditions across the Department's complex.

However, many sites cannot be remediated to levels that would allow for unrestricted use due to technical or economic limitations, worker health and safety challenges, or collateral ecological damage caused by remediation. These sites are, or will be, required to meet regulatory requirements to ensure that engineered and institutional controls employed as part of the remedy remain effective. Given the long-lived nature of radionuclides and other residual hazards, it is reasonable to assume that, at some sites, long-term stewardship will be required for centuries or millennia. A discussion of the scope of long-term stewardship activities is provided in Box 1.

The *Report to Congress on Long-Term Stewardship* (January 2001) was the Department's first assessment of the scope of long-term stewardship and associated costs through 2006. The report identified long-term stewardship activities at as many as 129 sites, including 34 sites currently managing long-term stewardship. Additional sites beyond those discussed in the report may transfer to the Department for long-term stewardship. For example, the Department is authorized, but not currently required, to assume long-term stewardship responsibility at several sites under the Nuclear Waste Policy Act. Furthermore, additional sites are periodically added to the Formerly Utilized Site Remedial Action Program. These sites are then eligible for remediation by the U.S. Army Corps of Engineers and may potentially require long-term stewardship by the Department. The Nuclear Regulatory Commission (NRC) may license additional sites that may ultimately transfer to the Department

Box 1. Long-Term Stewardship Activities

Long-term stewardship activities at a given site will depend on the nature of residual hazards and other site-specific conditions and may include the following:

- Operating, maintaining, and monitoring engineered controls
- Ensuring the continued effectiveness of institutional controls
- Emergency response
- Compliance oversight
- Management of lands, natural resources, and cultural resources
- Information management
- Supporting, evaluating, and implementing new technologies
- Budget preparation and other administrative support
- Site redevelopment
- Community liaison and planning and stakeholder involvement

under the Uranium Mill Tailings Radiation Control Act Title II. Considering these sources and other potential sources of sites the Department may need to conduct long term stewardship at over 200 sites.

In addition, there will be transfers of long-term stewardship responsibilities internal to the Department. For example, current Departmental policy is for the landlord Program Secretarial Office to assume long-term stewardship responsibilities at sites with continuing national security, energy security, and science missions.

The Department's *Final Long-Term Stewardship Study* (October 2001) identified key programmatic challenges facing the Department's long-term stewardship effort. This report provides the underlying information on the complexity of, and the relationship between, long-term stewardship and cleanup activities. In addition, analysis and recommendations developed by the National Research Council, the State and Tribal Government Working Group, the Energy Communities Alliance, site-specific advisory boards, and others have significantly contributed to the Department's understanding of these issues from multiple perspectives (see Appendix B for a

bibliography). Box 2 summarizes these challenges.

Box 2. Key Long-Term Stewardship Challenges

- Incorporating long-term stewardship considerations into future site-specific cleanup decisions
- Ensuring continued effectiveness for long periods of time and if property ownership changes
- Developing processes for meaningful public involvement
- Building partnerships with state, local, and tribal governments
- Ensuring long-term public access to information and outreach efforts
- Providing reliable and sufficient funding
- Sustainability, adaptability for societal changes, and advances in science and technologies
- Minimizing the need for eventual long-term stewardship in the planning and operation of new missions and facilities

A Strategy for Coordinating Long-Term Stewardship Activities to Ensure Timely and Cost-Effective Cleanup

The Department has made significant progress in identifying and undertaking many key long-term stewardship activities. However, because multiple Departmental entities have an interest in, or responsibility for, aspects of long-term stewardship, a coordinated approach is needed. This plan and the coordination of conducting long-term stewardship activities across programs are necessary to ensure the continued progress in the cleanup of sites and the protectiveness and cost-effective maintenance of environmental remedies.

In addition, some long-term stewardship management, definitional, and scope issues have yet to be resolved by the Department. This strategic plan provides an outline for an initial path forward to address these issues. The issues and challenges that the plan addresses are outlined below.

Varying Types of Sites, Current and Future Land Ownership, and Long-Term Stewardship Responsibilities

The current scope of long-term stewardship responsibilities is determined by, among other things, the diversity in the types of sites that the Department manages. The potential future scope of the Department's long-term stewardship responsibilities is unclear. The number and types of sites the Department has responsibility for may change through executive, congressional, or regulatory decisions. In addition, federal and state efforts to address the broader national problem of contaminated sites may affect the Department's responsibilities. Although the ultimate scope of these responsibilities is unclear, the Department will continue to meet its obligation to maintain the remedies at these sites.

The following are examples of types of sites where the Department is currently performing or planning to perform long-term stewardship:

- ***Continuing Departmental Mission Sites***—Approximately 21 sites have continuing ongoing energy, science, or national security missions. The cleanup of these sites will be completed over the next 10 years, and the current (and likely future) landowner is the Department or the federal government generally. The anticipated long-term stewardship activities will be managed by each site "landlord" as part of the day-to-day activities at the site.
- ***Long-Term Cleanup Sites***—Three sites will continue cleanup activities for more than 15 years. For these sites, the land is owned and managed by the Department or other federal land management agency, and the potential future uses vary from continued federal ownership to private industrial use.
- ***Office of Environmental Management Closure Sites***—This category includes the Weldon Spring, Fernald, Mound, and Rocky Flats sites. For these sites, generally, the land is owned and managed by the Department or other federal land management agency, and the future uses vary from continued federal ownership to private industrial use.

- **Uranium Mining and Mill Tailings Sites**—These former uranium mining and milling sites are remediated by DOE or in some cases by the private licensee and transferred to DOE after remediation. As part of this process, DOE becomes the owner and custodian of the material and responsible for the land management and the remedy surveillance and maintenance.
- **Formerly Utilized Sites Remedial Action Program Sites**—This category includes the early Atomic Energy Commission activity sites (predominantly privately owned sites that require DOE to conduct record keeping or in some cases remedy maintenance and monitoring).
- **Nuclear Waste Policy Act Sites**—Section 151(c) of this statute requires the Department to take ownership of the land and material at certain rare-earth processing sites. Currently, the Department maintains the land and the remedy at one site, but as many as four sites may be eligible for required transfer to the Department.

For purposes of this analysis, it may be helpful to place the Department's activities in the context of the federal government's potential land management and long-term stewardship activities. For example:

- The U.S. Environmental Protection Agency, states, and local governments are grappling with issues related to the cleanup and application of institutional/land-use controls at over 400,000 sites to ensure that underutilized or abandoned property may be reused despite the associated environmental liabilities.
- The Nuclear Regulatory Commission licensing activities could ultimately impact the total number of sites requiring federal long-term land management and remedy monitoring and maintenance.
- The Department of Defense Base Realignment and Closure program has remediated or will remediate and transfer excess military land, including land that may require long-term stewardship, to private redevelopment organizations or local governments for reuse.

- The Department of the Interior coordinates cleanup and conducts long-term stewardship activities at Formerly Used Defense Sites on Bureau of Land Management land.

Currently, the Department is working with these other federal agencies and affected state, local, and tribal governments to develop options for a coordinated approach to land and remedy management issues. These efforts may influence the number of sites, how much land, and the associated remedy maintenance and monitoring the Department will ultimately manage. The potential options range from a scenario where the Department manages the currently identified 21 sites with continuing national security, nuclear energy, or science missions to a scenario where the Department manages the land and long-term stewardship responsibilities at over 200 sites. However, despite these discussions and their impact on the number of sites the Department will manage, the long-term remedy maintenance for these sites is a federal responsibility. As such, the goal of the Department and the federal government as a whole is to ensure that these land and remedy management responsibilities are conducted in a coordinated, cost-effective, and effective manner.

Within the Department of Energy, Multiple Entities May Be Responsible for Land Management and/or Long-Term Remedy Maintenance and Monitoring

In many cases, current DOE long-term stewardship responsibilities are shared among multiple programs, with multiple levels of Field and Headquarters management. Multiple Headquarters programs may have joint or overlapping responsibility for, or authority for implementing, portions of the long-term stewardship effort. The DOE Office of Environment Safety and Health, for example, is responsible for development and compliance assurance of Departmental orders and guidance regarding the protection of workers, communities, and the environment. The Office of Management, Budget and Evaluation manages the Department's real property (including property requiring long-term stewardship) and develops and supports the Department's budget requests to Congress. These activities are directly relevant to long-term stewardship requirements and implementation.

At the site level, the long-term stewardship-related activities may be managed by different programs within the Department. For example, at the Los Alamos National Laboratory, the National Nuclear Security Administration manages mission-related activities and performs landlord functions, whereas the Office of Environmental Management conducts cleanup activities. Although current Departmental policy is to transfer the long-term stewardship responsibility to the "landlord" program upon completion of the environmental management cleanup mission, ensuring that remedies remain protective may still involve multiple Departmental elements.

Coordination with Multiple Federal Agencies That Have Land Management and/or Long-Term Remedy Maintenance and Monitoring Responsibilities

At most sites, it is possible to identify and distinguish the land management and land ownership responsibilities from the environmental remedy maintenance and monitoring responsibilities. In these cases, there may be at least two federal agencies assigned management responsibility for ensuring either the land and natural resource management or the long-term remedy maintenance and monitoring management. For example, at the future Rocky Flats National Wildlife Refuge in Colorado, the management of the land and natural resources at the site will be conducted by the Department of the Interior's Fish and Wildlife Service, whereas the maintenance and monitoring of the environmental remedy will remain with DOE.

The land management responsibilities, including meeting cultural, historical, and natural resource management requirements, should be maintained in a manner that is consistent with or complementary to the environmental remedy in place. Because the land management and remedy management efforts are interrelated and interdependent, a clear articulation and assignment of roles and responsibilities is necessary to ensure the success of both efforts.

New Approaches to the Management of Land Ownership and Long-Term Stewardship Responsibilities Are Evolving

The process of identifying and conducting the necessary long-term stewardship activities is benefited from the involvement of and coordination with other federal, state, local, and tribal government entities. The Department will continue to support the development of management options for long-term stewardship involving these entities. However, because the Department maintains the responsibility and liability for the remedies in place, any potential options must be carefully evaluated for their protectiveness, as well as cost-effectiveness.

Potential management options could include the disposition of the underlying property interest to other federal, tribal, or local governments or private parties while DOE retains the remedy monitoring and maintenance responsibilities at sites. In other cases, and within the applicable legal and regulatory framework, through the development of funding assurances, trust, or other insurance mechanisms, the Department may be able to share some of the remedy maintenance responsibilities with other parties.

DOE currently partners with local government or private parties in many ways. For example, the Department's Grand Junction Field Office maintains over 30 closed sites requiring long-term surveillance and maintenance (i.e., no more active cleanup mission at the site). Generally, the land management as well as the remedy maintenance and monitoring responsibilities for these sites are the responsibility of the Department. But, in some cases, the Grand Junction Office works with local governments, companies, or private landowners to assist the Department in implementing and monitoring the remedies.

In other cases, the Department may work with local governments and private parties to place land (including land with long-term stewardship requirements) into productive reuse. These arrangements may assist the local economy and tax base as well as encourage multiple parties to maintain an interest in the protectiveness of the remedies, thereby increasing the likelihood of successful long-term stewardship through these types of partnerships.

A Diverse Set of Values Affects Cleanup and Long-Term Stewardship Decisions

The types of sites and land ownership responsibilities for sites requiring long-term stewardship vary greatly among the over 40 sites currently being addressed by the Department's Environmental Management program and the over 200 sites that potentially may be managed by the Department. In many cases the "future use" decision is made by the federal, state, and local entities that conduct, regulate, or have an interest in determining the site end state. These determinations are made within a regulatory process and generally reflect a compromise among multiple sets of values.

Multiple and Sometimes Overlapping Federal, State, and Local Regulatory Authorities and Requirements Impact Long-Term Stewardship Activities

Program activities and cleanup activities are performed under and regulated by different federal, state, and/or local laws and regulations. These different authorities may ultimately require different sets of (potentially interrelated or overlapping) activities at a site after it has entered long-term stewardship.

Typically, the Department conducts cleanup operations and long-term stewardship activities under essentially four different classes of regulatory authorities. The processes and outcomes of these various cleanup and long-term stewardship legal and regulatory frameworks determine, to a large extent, the type and scope of activities required to maintain and protect the remedy. Generally, these categories of authorities and environmental remedy decision processes that define the long-term stewardship requirements include the following:

- The Comprehensive Environmental Response and Liability Act (CERCLA) and regulations
- The Resource Conservation and Recovery Act (RCRA) and regulations
- The Atomic Energy Act (AEA) and regulations
- State environmental laws and regulations

An example of how long-term stewardship requirements differ according to the applicable regulatory framework occurs in the variety of

reporting requirements under each of the authorities. Generally, under CERCLA, the minimum requirement is to report to the regulator on the performance and continued protectiveness of the remedy every five years. Under the AEA and NRC regulation, the Department is required to report on the performance of maintenance and monitoring activities annually. These differing and site-specific requirements must be considered when developing the Department's strategy for conducting long-term stewardship.

In addition to these external sources of oversight and regulation, the Department maintains internal oversight and ensures compliance with applicable laws, regulations, and DOE orders. By building long-term stewardship into the way the Department does business, these existing requirements can be evaluated and implemented in ways that are consistent with and complementary to the required long-term stewardship activities. Furthermore, the Department will continue to work within the framework of federal, state, and local laws and requirements and tribal treaties and obligations. As the Department works to clarify roles and responsibilities internally, it will also work with affected governmental organizations to develop arrangements that provide clarity in both authority and responsibility.

Funding for Long-Term Stewardship Activities

Currently, the annual appropriations process is the relied-upon method for ensuring funding to carry out long-term stewardship activities. Funding for sites in the long-term surveillance and maintenance program is maintained in a separate line item in the Grand Junction Office budget. For continuing mission sites, funding is built (or will be built) into the landlord program budgets. This process has proven adequate to date, and will remain, for the foreseeable future, the predominant method of funding long-term stewardship activities.

However, the Department will continue to investigate and pursue other funding and management options. For example, the Department is working to ensure that, if sites are required to be transferred into Departmental ownership, those transfers occur at no cost to the federal government and the taxpayer. In these cases, ensuring a no-cost transfer may

involve the development of, or changes to existing, applications of funding and management tools. As these tools are developed and tested, they may become available for the Department to use for the management of its current long-term responsibilities at sites.

The Potential Impact of Changing Factors

Successful implementation of long-term stewardship will require the flexibility to react to the inevitable changes that will occur over decades or centuries. Although the Department may be able to anticipate and influence some changes (e.g., that the physical integrity or effectiveness of markers or other physical controls like fences may be reduced over time and therefore need monitoring and replacement), other factors may be outside the control of the Department. Some of these potential factors are outlined below.

- **Physical Properties of Contaminants**—After very long periods of time, the residual radionuclides and hazardous organic chemicals that are contained or monitored as part of the environmental remedy will eventually decay/degrade to levels that are safe for unrestricted use.
- **Regulatory Structures**—Applicable laws, regulations, and standards may change over time, affecting what is considered “safe” and whether remedies in place are considered “protective.”
- **Demographic and Political Changes**—Shifts in populations or values around sites may change exposure pathways and affect the viability of remedial assumptions. For example, over the past 50 years, urban

development around some sites has dramatically increased, and ecological conditions at others have changed significantly. Long-term stewardship strategies that are effective today may no longer be protective in the future. For example, the needs for buffer zones and other restricted use areas at sites are likely to change over time as population patterns in the vicinities of the sites evolve.

- **Climate or Geological Changes**—Climate change, including changes in assumed annual temperature or rainfall, and other geological events, are likely because long-term stewardship may be needed for hundreds or thousands of years. These changes may alter the underlying remedial assumptions.
- **Future Advances in Science and Technology**—Increases in knowledge could reduce long-term stewardship needs and/or make it possible to clean up existing residual contamination to less-restrictive levels. Advances in robotics, for example, might enable future generations to excavate areas that currently pose unacceptable risks to remediation workers.
- **National Priorities, Cultural, and Economic Changes**—Values and national priorities change over time.

These changes may encourage reevaluations of long-term stewardship strategies in the future. For example, today, the presence of residual contamination generally reduces property values. In the future, limited land availability or concerns over urban sprawl could increase the relative value and uses of property with low levels of residual contamination.

Part III. Mission, Vision, and Goals

Part III of this plan discusses the mission, vision, and goals of the Department's long term stewardship effort. Each of the three goals has performance measures, objectives and strategies that identify both the approach we will take and how we will evaluate our progress.

Mission

To protect human health and the environment from the risks that remain following cleanup.

Vision

Environmental and public health liabilities are reduced, and land is returned to beneficial use consistent with the Department's mission requirements. This long-term stewardship vision will be demonstrated when

- the effects of residual contamination are minimized by effective monitoring and maintenance measures;
- the Department has achieved public trust through cooperative partnerships with stakeholders and state, local, and tribal governments;
- long-term stewardship principles are fully integrated into the Department's planning and operations; and
- the vitality of human, natural, and cultural resources for current and future generations is sustained.

Goals

I. Post-remediation responsibility and liability are effectively managed.

This goal recognizes that the Department is already conducting long-term stewardship at many sites across the nation and focuses on supporting the continued execution of these responsibilities.

II. Long-term stewardship responsibilities are understood and built into the way the Department does business.

This second goal ties the success of the Department's long-term stewardship effort to its ability to improve existing planning and management processes.

III. The capability and tools are in place to ensure the effectiveness of long-term stewardship for current and future generations.

This goal articulates the Department's intergenerational approach to ensuring the continuing protectiveness of environmental remedies, ensuring the availability of adequate resources, and utilizing developments in information management and advances in science and technology. Understanding of the continuing and iterative nature of long-term stewardship and the promotion of the Department's partnerships with state, local, and tribal governments and stakeholders is fundamental to the success of this effort.

Goal 1. Post-Remediation Responsibility and Liability Are Effectively Managed

The Department currently maintains approximately 30 sites and multiple portions of sites in long-term stewardship. For these sites, the Department is focused on ensuring the continuing protection of human health and the environment, while reducing the need for (and scope of) long-term stewardship liabilities in the future. This liability-reduction effort includes the management of, and responsible and cost-effective monitoring and maintenance for, current environmental remedies. In addition, this goal encompasses the Department's efforts to reduce the need for long-term stewardship in the future by incorporating long-term stewardship into current remedy decisions.

Consistent with the development of this Long-Term Stewardship Strategic Plan, the Department is developing a framework to support the transition of sites from remediation into long-term stewardship. This site transition

framework will be used to support the goal of effectively managing post-remediation responsibility and liability by ensuring the smooth "handoff" of site long-term stewardship responsibilities between entities responsible for undertaking long-term stewardship activities at sites. Affected parties will use the framework as a checklist to ensure that all critical elements are addressed prior to transition. Therefore, the early integration of the framework into site activities and planning ensures that each of the elements can be satisfied upon the completion of cleanup activities and that the remedies in place can remain protective over the long term. Therefore, success in applying the framework to transitions of long-term stewardship responsibility intradepartmentally, and to transfers of sites into or out of Department of Energy responsibility, including privately owned, FUSRAP, and other potential sites, will be a key indicator of progress toward meeting Goal 1.

Performance Measures for Goal 1

LTS1: The percentage of periodic reviews completed on time with regulator concurrence or acceptance of "remedy protectiveness" (the goal is 100%).

LTS2: The reduction in costs associated with the Department's long-term environmental liabilities (the goal is TBD).

LTS3: The percentage of Site Transition Framework evaluations completed in accordance with requirements (the goal is 100%).

LTS4: The number of mission-excess acres transferred (the goal is TBD).

Objective 1.1 Ensure that Environmental Remedies at Sites and Portions of Sites Requiring Post-Remediation Surveillance and Maintenance Remain Protective of Human Health and the Environment

Strategies:

- Work effectively to meet current environmental, health, and safety requirements.
- Coordinate the implementation and development of existing and future environment, health, and safety requirements to ensure adequate protection of human health and environment.
- Ensure that the remedy remains protective and that appropriate contingency planning is in place.
- Collect, maintain, and make available appropriate information regarding long-term stewardship information.
- Monitor and evaluate the effectiveness of long-term stewardship strategies and activities.

Objective 1.2 Minimize the Department's Environmental Liability for Long-Term Stewardship Consistent with Laws and Regulations

Strategies:

- Improve and make visible annual and life-cycle cost estimates for long-term stewardship activities.
- Identify and minimize long-term liabilities (e.g., deferred maintenance and environmental, natural resources, and other costs).
- Continuously improve the remedy decision making process by integrating long-term stewardship knowledge.
- Pursue alternative long-term funding, liability, and management mechanisms for long-term stewardship, as appropriate.

Objective 1.3 Accelerate the Cleanup and Transfer of Mission-Excess Land and/or Environmental Remedy Management

Strategies:

- Coordinate the development and implementation of a uniform site transition framework to enable accelerated cleanup and transition long-term stewardship.
- Identify and accelerate the implementation of the Department's current land use planning and land use goals.
- Work effectively with other federal agencies to optimize federal land management options.
- Work with state, local, and tribal governments and private and nonprofit entities (and others) to examine options regarding the transfer and management of land, including land with long-term stewardship responsibilities.

Goal II. Long-Term Stewardship Responsibilities Are Understood and Built into the Way the Department Does Business

The Department recognizes that it has increased long-term stewardship responsibilities resulting from current cleanup efforts. The ongoing Departmental missions and business lines also affect the need for and requirements of long-term stewardship. Considering these interdependencies, it is necessary for the Department to incorporate long-term

stewardship into the way it does business. Goal II details and provides a path forward for achieving an integration of long-term stewardship into the Department's existing planning and management systems, and provides an outline of steps necessary to clarify federal and contractor management roles.

Performance Measures for Goal 2

LTS5: The percentage of sites requiring long-term stewardship plans that have developed and implemented them (the goal is 100%).

LTS6: The percentage of relevant DOE orders and planning and management systems that have incorporated critical long-term stewardship elements (the goal increases from 25% in FY04 to 100% in FY07).

Objective 2.1 Define the Long-Term Stewardship Baseline and Understand and Communicate the Scope of Associated Activities

Strategies:

- Develop an accepted Department-wide definition of and baseline for long-term stewardship.
- Improve the Department's understanding of long-term stewardship, including clarification of requirements.
- Identify and utilize existing Departmental communication, education, and training services to inform DOE and contractor employees about long-term stewardship issues, principles, responsibilities, and new developments.

Objective 2.2 Build Long-Term Stewardship into the Department's Management and Planning Systems and Policies and Orders

Strategies:

- Coordinate the development of Department of Energy-wide agreement on the scope of long-term stewardship activities, and resolve relevant issues through the Field

Management Council or other relevant process.

- Determine and prioritize planning processes and management systems (e.g., Integrated Planning Accountability and Budgeting System, Facility Information Management System, Functions Responsibilities and Authorities Manuals, Project Definition Rating Index, Environmental Management Systems, and Integrated Safety Management Systems) for incorporation of long-term stewardship principles.
- Determine, prioritize, and integrate long-term stewardship into planning processes and systems (e.g., strategic, 10-year, and land use plans).
- Establish a collaborative, streamlined approach to incorporate/advance long-term stewardship.
- Identify, request, and defend resources necessary to execute long-term stewardship responsibilities.

Objective 2.3 Clarify Authority and Accountability for Management of Long-Term Stewardship Activities for the Federal Government, Employees, and Contractors

Strategies:

- Clarify and implement landlord Program Secretarial Officer (HQ) policy regarding responsibility for long-term stewardship.
- Clarify field organization responsibility for sites in long-term stewardship (e.g., the long-term surveillance and maintenance program).
- Push long-term stewardship principles "down into the ranks" in a manner similar to Integrated Safety Management.
- Ensure that the implementation of effective and efficient long-term stewardship strategies are rewarded.
- Ensure that progress toward meeting critical long-term stewardship requirements is evaluated and improved.

Goal III. The Capability and Tools Are in Place to Ensure the Effectiveness of Long-Term Stewardship for Current and Future Generations

The Department understands the need to address the many institutional issues and challenges facing a multigenerational long-term stewardship effort. Many of these issues cannot be solved, if at all, for years to come. Given this practical reality, the Department's goal is to ensure that we develop the tools and information today that are necessary to prepare future generations to undertake these responsibilities.

To achieve this goal, the Department will work to develop and maintain the core capabilities

necessary to conduct long-term stewardship. These include ensuring that long-term stewardship is supported in annual budget requests and that outreach and education to affected and interested entities inside/outside the Department are provided. The Department will also work to ensure the investment in and utilization of advances in science and technology that can improve sustainability, reduce costs, or increase effectiveness of long-term stewardship.

Performance Measures for Goal III

LTS7: The cost of operating, monitoring, and maintaining remedies through the introduction of new technology (the goal is a TBD reduction in cost).

LTS8: Public evaluations of the accessibility and completeness of long-term stewardship information on the Internet, public reading rooms, or other repositories (the goal is a rating of "excellent" or higher).

Objective 3.1 Achieve Sustainable Management of Sites in Long-Term Stewardship

Strategies:

- Develop sustained capability for public access, retrieval, and comprehension of the long-term stewardship information that is necessary to ensure the long-term protectiveness of the remedy.
- Develop a Department-wide approach to records management and to the development of additional necessary long-term stewardship information.
- Identify, assess, and ensure that DOE capabilities and resources to conduct long-term stewardship are sufficient.
- Understand alternative funding mechanisms that may allow for federal, state, tribal, and local assurance that necessary long-term stewardship activities are or will be maintained.

- Coordinate the management of the Department's natural and cultural resources with long-term stewardship needs.

Objective 3.2 Ensure that a Process Is in Place for Education, Outreach, and Engagement

Strategies:

- Identify roles that various parties (Department of Energy, state, tribal, local government) may play for sustained capability and engage those interested parties.
- Baseline the knowledge and skills required for sustained capability.
- Develop the training for and qualifications of the stewards.
- Develop an effective information management strategy to ensure public accessibility.

Objective 3.3 Effectively Utilize Advances in Science and Technology to Improve Sustainability

Strategies:

- Perform gap analysis to identify long-term stewardship science and technology needs and construct a "roadmap" to address those needs.
- Replace existing long-term stewardship systems with new technologies when cost-effective.
- Improve scientific basis for understanding the impacts on human health and the environment from residual contaminants.

Appendix A. Implementation Actions for the Department of Energy's Long-Term Stewardship Strategic Plan

The Department has compiled a list of actions necessary to achieve the three goals of the Department of Energy Long-Term Stewardship Strategic Plan.

Goal I. Post-Remediation Responsibility and Liability Are Effectively Managed

Objective 1.1 Ensure that Environmental Remedies at Sites and Portions of Sites Requiring Post-Remediation Surveillance and Maintenance Remain Protective of Human Health and the Environment

- Legal and other documents transferring Department of Energy lands to nonfederal owners contain appropriate enforceable use restrictions and right of access clauses beginning in FY02.
- 100% of closure sites' annual preventative maintenance of protective systems is completed on time.
- All applicable environmental, health, and safety requirements are met.
- The Department's long-term stewardship budget remains adequate to protect human health and the environment from residual hazards.
- Core capabilities to monitor and maintain engineered and institutional controls, commensurate with risk, are in place by FY03.
- Measures to be incorporated into site remedial and post-closure decisions are defined by FY03.
- Budget for monitoring engineered and institutional controls for property retained by the Department is commensurate with residual risks by FY03.

Objective 1.2 Minimize the Department's Environmental Liability for Long-Term Stewardship Consistent with Laws and Regulations

- Sites can clearly identify actual (or estimated, as appropriate) cost of long-term stewardship by FY03.
- Long-term stewardship activities and costs are identifiable in Field Office budget requests to Program Secretarial Officers by FY04.
- Long-term stewardship activities and costs are identifiable in Program Secretarial Officers' budget requests forwarded to the Chief Financial Officer by FY04.
- Long-term stewardship activities and costs are identifiable in Department's budget request submitted to Office of Management and Budget by FY04 (and thereafter).
- The vulnerabilities associated with long-term stewardship are quantified in Department's liability report beginning FY02.
- Department's long-term stewardship liabilities are appropriately identified and reported to the Secretary beginning FY05.
- The Department identifies viable alternative funding paths by FY03.
- Negotiations on alternative funding paths are initiated with congressional appropriators by FY04.
- Department, Office of Management and Budget, and Congress legislative options to enable alternative long-term stewardship funding and management options are presented by FY05.

Objective 1.3 Accelerate the Cleanup and Transfer of Mission-Excess Land and/or Environmental Remedy Management

- Site land use plans include measures to reduce Department of Energy footprint, as appropriate, by FY04.
- General Department of Energy-wide criteria for determining best use of Department's land are established by FY04.
- Site land use plans identify the best use for Department of Energy property, using Departmental criteria but accounting for site-specific circumstances, by FY05.

- For 100% of lands with a "Determination of Excess," the Department's land transfer report requirements, notation requirements, and announcements (except quitclaim deed) are met (or drafted) within 18 months of the declaration.
- Long-term stewardship is accounted for in new remedial action closure documents by FY03.
- Maintain a U.S. Environmental Protection Agency, Department of Energy/Defense/Interior interagency regulatory workgroup by FY02.

Goal II. Long-Term Stewardship Responsibilities Are Understood and Built into the Way the Department Does Business

Objective 2.1 Define the Long-Term Stewardship Baseline and Understand and Communicate the Scope of Associated Activities

- Core capabilities are identified in the Department's annual resource allocation planning.
- The Department's natural and cultural resources are inventoried, and at-risk resources are targeted for special protective measures beginning in FY03.
- Long-term stewardship is incorporated into relevant Program Secretarial Officers' program planning guidance by FY03.
- Long-term stewardship is accounted for in new remedial action closure documents by FY03.
- Define measures to be incorporated into Integrated Safety Management/Environmental Management Systems beginning FY05.
- A Field Management Council-approved, Department-wide definition of long-term stewardship (including the scope of activities) by end FY02.
- Appropriate skills training programs are in place by FY05.

Objective 2.2 Build Long-Term Stewardship into the Department's Management and Planning Systems, and Policies and Orders

- Long-term stewardship is accurately captured in the Integrated Planning, Accountability and Budgeting System baseline, and the costs are visible.
- The Office of Management and Budget supports the Department's long-term stewardship budget requests beginning in FY03.
- Natural and cultural resource management and protection are integrated into new remedial and post-closure decisions by FY03.
- Each site has a natural and cultural resource management plan, or has documented and reported to the appropriate Program Secretarial Officer on the lack of a need to have one.
- Natural and cultural resource protection measures are incorporated into site Integrated Safety Management/Environmental Management Systems beginning FY05.
- Appropriate guidance to incorporate long-term stewardship into site Environmental Management Systems/Integrated Safety Management Systems is issued by FY03.
- Appropriate long-term stewardship information is incorporated into data calls for Department of Energy management systems by FY04.
- Long-term stewardship is incorporated into site Environmental Management Systems/Integrated Safety Management Systems by FY05.
- Management systems have capabilities to identify long-term stewardship costs and project long-term stewardship liabilities by FY05.
- The schedule for maintenance of records is modified by FY04.
- The Department's budget explicitly incorporates long-term stewardship activities by FY05.
- Responsibility for long-term stewardship is incorporated into Department of Energy's mission statement by FY03.
- The number of full-time equivalents by job classification needed for long-term stewardship is determined by FY05.
- Strategies for utilizing existing full-time equivalents slots, commensurate with need, are determined by FY06 and thereafter as appropriate.

- Changes to internal Departmental funding processes are agreed to for implementation in the FY06 budget request.
- Appropriate [long-term stewardship] management information systems are defined by FY04.
- 50% of records of contamination, closure, and post-closure plans and monitoring and maintenance plans are managed in an appropriate management information system by FY10.
- 100% of records of contamination, closure, and post-closure plans and monitoring and maintenance plans are managed in an appropriate management information system by FY15.
- Long-term stewardship is accounted for in new Department of Energy National Environmental Policy Act guidance documents by FY03.
- Long-term stewardship is accounted for in new Department of Energy National Environmental Policy Act documents by FY04.
- Relevant chapters of Departmental corporate plans integrate a discussion of long-term stewardship by FY04.
- Long-term stewardship is accounted for in new major project design documents by FY04.
- Long-term stewardship specifically cited in site/institutional 10-year plans.
- Long-term stewardship accounted for in site land-use planning and programs and procedures by FY05.
- Long-term stewardship included in Integrated Safety Management activities and considerations by FY05.
- Department of Energy institutional controls policy is issued by FY02.
- Long-term stewardship is incorporated into Departmental Order 450.1, "General Environmental Protection Program," by FY03.
- Long-term stewardship is incorporated into Integrated Safety Management guidance by FY04.
- Long-term stewardship is incorporated into Life Cycle Asset Management Order by FY03.
- Long-term stewardship is incorporated into other relevant policies/orders by FY05.
- New orders that are relevant contain references to applicable long-term stewardship principles.
- The schedule for maintenance of records is modified by FY04.
- Data necessary to develop the quantitative portion of the annual long-term stewardship report are provided by querying existing national databases.

Objective 2.3 Clarify Authority and Accountability for Management of Long-Term Stewardship Activities for the Federal Government, Employees, and Contractors

- Landlord sites identify long-term stewardship roles and responsibilities for all managers and implement appropriate training beginning in FY03, as appropriate.
- Long-term stewardship roles and responsibilities are communicated to employees (HQ and Field) through appropriate training by end of FY03.
- HQ/Field roles and responsibilities for long-term stewardship budgeting and activity implementation are clearly established and documented by FY03, as appropriate.
- The Department of Energy long-term stewardship training program is developed by FY02.
- Education and training opportunities are provided and attended by appropriate personnel by FY03.
- Program Secretarial Officers' roles and responsibilities for long-term stewardship are identified by FY02.
- The Secretary's performance agreements with Program Secretarial Officers reflect long-term stewardship by FY04.
- Program Secretarial Officers' performance agreements with Field Office Managers reflect long-term stewardship by FY04, for appropriate sites.
- Long-term stewardship roles and responsibilities are incorporated into relevant orders and budget and contracting guidance by FY05.
- Department of Energy contracts contain consistent clauses clearly establishing responsibilities for the planning and implementation of long-term stewardship concepts and activities by FY05.
- Each Operations and Field Office has identified the programs and staff responsible for long-term stewardship planning and implementation in its organization.

- Congressional budget committees recognize and support the importance of long-term stewardship beginning in FY04.

Goal III. The Capability and Tools Are in Place to Ensure the Effectiveness of Long-Term Stewardship for Current and Future Generations

Objective 3.1 Achieve Sustainable Management of Sites in Long-Term Stewardship

- Program oversight and self-assessment by the Field on a continuous basis beginning in FY04.
- Ability to respond to remedy failures is available commensurate with residual risks by FY05.
- The long-term stewardship Web site is moved to, and maintained on, the Department's home page by FY03.
- Closure sites having threatened/endangered species habitats have no irrecoverable declines in associated populations.
- Number of long-term stewardship corrective actions declines annually after FY10.

Objective 3.2 Ensure that a Process Is in Place for Education, Outreach, and Engagement

- Information on residual contamination, its associated risks, and measures in place to protect public health and the environment is available to stakeholders by FY03.
- Remedy review reports are made available to all interested parties.
- A long-term stewardship curriculum for grades K–12 is available to local communities.
- The development of natural and cultural resources management plans are coordinated with long-term stewardship requirements and developed in partnership with stakeholders by FY04.

Objective 3.3 Effectively Utilize Advances in Science and Technology to Improve Sustainability

- Sustainability parameters are defined in completed long-term stewardship science and technology roadmap beginning FY03, and revised as necessary.
- Science and technology budget incorporates long-term stewardship sustainability needs beginning FY04.
- Feedback links between site-specific long-term stewardship technical problems, monitoring and maintenance needs, etc. and overall science and technology program are established beginning FY05.

Appendix B. Long-Term Stewardship References

1. *Closing the Circle on the Splitting of the Atom: The Environmental Legacy of Nuclear Weapons Production in the United States and What the Department of Energy is Doing About It*. U.S. Department of Energy, Office of Environmental Management. DOE/EM-0266. January 1996.
2. *Closure for the Seventh Generation: A Report from the Stewardship Committee of the State and Tribal Government Working Group*. National Conference of State Legislatures. February 1999.
3. *Final Report of the Oak Ridge Reservation End Use Working Group*. Oak Ridge Reservation End Use Working Group. July 1998.
4. *From Cleanup to Stewardship*. U.S. Department of Energy, Office of Environmental Management. DOE/EM-0466. October 1999.
5. *Linking Legacies: Connecting the Cold War Nuclear Weapons Production Processes To Their Environmental Consequences*. U.S. Department of Energy, Office of Environmental Management. DOE/EM-0319. January 1997.
6. *Long-Term Institutional Management of U.S. Department of Energy Legacy Waste Sites*. National Academy of Sciences, National Research Council. 2000.
7. *Long-Term Stewardship of Contaminated Sites: Trust Funds as Mechanisms for Financing and Oversight*. Resources for the Future. Discussion Paper 00-54. December 2000.
8. *Long-Term Stewardship and the Nuclear Weapons Complex: The Challenge Ahead*. Resources for the Future. June 1998.
9. *Long-Term Stewardship Study: Volume I—Report, Volume II—Response to Public Comments*. U.S. Department of Energy, Office of Environmental Management, Office of Long-Term Stewardship. October 2001.
10. *Managing Data For Long-Term Stewardship-Working Draft*. ICF Kaiser Consulting Group. March 1998.
11. *The Oak Ridge Reservation: Stakeholder Report on Stewardship*. Oak Ridge Reservation End Use Working Group. July 1998.
12. *The Oak Ridge Reservation: Stakeholder Report on Stewardship—Volume 2*. Stewardship Working Group. December 1999.
13. *Protecting Public Health at Superfund Sites: Can Institutional Controls Meet the Challenge?* Environmental Law Institute. 2000.
14. *A Report to Congress on Long-Term Stewardship: Volume I—Summary Report, Volume II—Site Summaries*. U.S. Department of Energy, Office of Environmental Management, Office of Long-Term Stewardship. DOE/EM-0563. January 2001.
15. *The Role of Local Governments in Long-Term Stewardship at DOE Facilities*. Environmental Law Institute. 2001.

December 7, 2001 Draft Long-Term Stewardship Strategic Plan

Comment Resolution Legend

1. Comment considered and integrated.
 - For comments that we have integrated into the new Draft Strategic Plan.
2. Comment noted. Please see new Draft Strategic Plan.
 - For comments such as, "There are too many strategies." The Department can direct the reader to the new draft Strategic Plan to see that we have reduced the number of strategies. This response is for comments that have not necessarily been integrated fully into the new draft but commentors need to look at the reconstruction of the new draft to see if this is sufficient.
3. Comment considered and is pending higher level resolution.
 - For comments that we need to take to the Executive Steering Committee, or other senior management for resolution.
4. Comment evaluated but not incorporated because out of scope.
 - For comments either beyond the scope of the plan (i.e., site specific comments) or comments that are more appropriate for the implementation plan.
5. The Department appreciates this comment. Thank You.
 - For comments thanking the Department for writing this Strategic Plan.
6. Comment noted. The Department will consider this comment while continuing the Strategic Plan process.
 - For comments such as, "The LTS Strategic Plan should become an integral element of the DOE Strategic Plan." This response is for comments that have not been integrated into the new draft but the Department will continue to consider throughout this process.

Commentor	Comments	Resolution
1. Fernald Citizens Advisory Board	<ul style="list-style-type: none"> • Pleased to note DOE's overall commitment to stewardship, the proposed integration of stewardship principles into all aspects of the Department, and the thoughtful consideration of the broad scope of issues that are critical to effective LTS. • Pleased that the site will have access to the types of resources identified in the plan to inform and guide our planning efforts. 	5
2. State of Idaho, INEEL Oversight	<ul style="list-style-type: none"> • DOE should reconfirm its commitment to LTS or identify any changes in philosophy or accountability for LTS • More clearly identify the regulatory role of states and other federal agencies. • Successful implementation of the plan will likely require some additional objectives. Key components like the prevention of future liabilities through up-front planning are largely absent from the objectives portion of this plan. • Recognize the likelihood of transfers of some responsibilities to other federal agencies as well as non-federal entities such as DoD or DOI. • Plan revisions should better describe how DOE can ensure the smooth transfer of responsibilities for LTS, including financing and information management, to both other federal agencies as well as non-federal entities. • Encourage accelerated development issuance and implementation of a LTS plan, involving those it will affect. Many cleanup decisions are already made, and more should be finalized before the plan's current scheduled issue date of FY 2005. 	5 1 2 1 1 1 4
3. Oak Ridge Site Specific Advisory Board	<ul style="list-style-type: none"> • Plan needs to clarify and strengthen the focus of LTS on contaminated lands. Some of the language in the report suggest that LTS extends beyond care for contaminated lands to issues such as reducing DOE's footprint and broader worker health and safety issues. While these issues are certainly important, we are concerned that the scope of this report may be too large and confuse real issues of LTS. It is all ready difficult to define LTS; making it too much of a 'catch-all' will only further complicate and distract from the core issue of long-term protection of human health and the environment. (mission and vision) • Cleanup is a misleading term, we prefer to use the term 'remediation.' • 2.6.2 and similar statements are not functions of LTS but of remedial decision making and should not be included in the scope of this document. • External Factors; 4th bullet: suggest wording be rearranged to suggest setting up buffer zones <u>before</u> population changes make them both imperative and difficult to arrange. One can always withdraw a buffer boundary. • Strategy 1.3.5, art and science of stewardship may not be ready for standards development, though a careful effort might clarify that status. • Discussion of funding does not delineate the unsatisfactory aspects of the dependence on annual budget cycles for stewardship. It would help if trust funds were mentioned as a possible solution. • While the importance of stakeholder and local involvement is noted in the principles, it is identified too infrequently in the body of the report. The long term success of LTS will rest firmly in local knowledge, authority, and responsibility and the strategic plan needs to recognize this more effectively. • Plan needs to increase the emphasis on the need for effective information systems, proper identification and organization of information, and public access to information at the local level. • The relation to stewardship to natural and cultural resources might best be handled in a section on intersecting management areas, rather than as a part of departmental stewardship of contaminated areas. Of course, generalized stewardship concepts are involved in maintaining cultural resources, but does one want also to include 'stockpile stewardship?' • Objective 1.6, potential measures for information management look both demanding and too slow. Measures to capture essential information are needed in 2002. 'Management information systems' could be confused with 'information management systems' which include rules for saving file space and the routine, planned destruction of information. • Where transfer of contaminated sites is considered, the document seems far too optimistic that future stewardship responsibilities will still be provided. Specific strategies for maintaining stewardship accountability in the transfer of contaminated sites should be included in the strategic plan. • Add "public stakeholders" to 3.1.1 • Objective 3.3 should focus on bona-fide long-term stewardship needs 	2 6 4 4 6 6 2 1 6 6 2 1 6 6 2 4 2 2

	<ul style="list-style-type: none"> Objective 3.3.2 should clarify that existing systems should only be replaced with new technology if it offers improved functionality, reliability and cost – simple technologies are better in the long-term. 	
4. Environmental Council of States	<ul style="list-style-type: none"> <u>Early Consultation with the States:</u> Development of this Strategic Plan for DOE's LTS Program is a critically important step in addressing the many challenges the government faces at these sites. The ECOS LTS Subcommittee applauds DOE for soliciting early input from the states and others as this Plan is being formulated and ECOS looks forward to participating in the next phases of Plan development. 	5
	<ul style="list-style-type: none"> <u>Relationship to Department-wide Strategic Plan:</u> The LTS Strategic Plan, once completed, should become an integral element of the next DOE Strategic Plan required by Congress under the Government Performance and Results Act (GPRA). This will help create a solid foundation to assure performance of the LTS functions in the years ahead. DOE should afford the states and others a similar opportunity to participate in the development of the department-wide Strategic Plan starting later this year. 	6
	<ul style="list-style-type: none"> <u>General Presentation and Layout of Plan:</u> The draft Strategic Plan is well written and organized and its scope and long-term focus covers many important elements of the LTS function. It does a good job of laying out numerous objectives, strategies and performance measures to perform the LTS functions. Inclusion of the specific strategies and measures needed to achieve objectives is helpful. The drive to institutionalize LTS within DOE is admirable. 	5
	<ul style="list-style-type: none"> <u>LTS is Integrally Linked to the Environmental Management Program of DOE:</u> LTS is an essential element of remedial action and waste management decisions being made today. LTS needs to be proactively considered during remedial planning and design. Since LTS must address residual contamination left at sites after cleanup is "completed", there is a direct correlation between the level and extent of cleanup and the nature, type and duration of LTS efforts required at sites. ECOS urges DOE to cleanup sites to the maximum extent practical under state and federal environmental laws, thereby reducing the need for extensive LTS functions for very long periods of time. 	2
	<ul style="list-style-type: none"> <u>Full Compliance with State and Federal Environmental Laws:</u> While this is a function of the overall EM Program it has a direct bearing on the magnitude and extent of LTS requirements. Both the department wide DOE Strategic Plan and the LTS Strategic Plan should articulate a full compliance objective for DOE facilities, during both their active phase and closure phase, respectively. Full compliance while facilities are still active will significantly reduce the cleanup requirements, and thereby the leftover LTS responsibilities. Full compliance during the LTS/closure phase should also be articulated as an explicit departmental objective in the DOE LTS Strategic Plan. Maintaining full compliance during the LTS/ closure phase is necessary to avert future releases that may adversely impact public health or the environment. 	4
	<ul style="list-style-type: none"> <u>Partnerships with State, Local and Tribal Governments:</u> Many LTS functions will need to be performed by state, local or tribal governments. The LTS Strategic Plan should articulate a clear objective to engage these governmental entities in the development of an LTS Plan for each site and a commitment to help develop the needed capacity for them to carry out agreed upon LTS functions at each site. The Plan should identify at every level in its hierarchy the need and opportunities for working with State, Tribal, and Local government partners. While this is partially addressed in Objective 3.1, it should also be integrated throughout where appropriate. To this end we suggest a work session with representatives of the interested state, tribal, and local government entities on the Plan. This would afford an opportunity for these LTS partners to discuss potential roles and interests. 	2
	<ul style="list-style-type: none"> <u>Relationship to LTS Plans and Functions in Other Federal Agencies:</u> LTS functions will be required at numerous facilities managed by other federal agencies. There are several points at which it appears a more focused inter-agency effort among federal departments would help achieve the plan's goals. The DOE LTS Strategic Plan should include an objective to integrate and coordinate LTS functions with other federal agencies where appropriate. DOE should outline a process or commitment for determining roles for other agencies at various types of sites. While it is understandable that the Plan focuses on DOE efforts, there are several areas for potential inter-federal agency focus that might both make more efficient use of public resources and provide a system that is more consistent and understandable for users and stakeholders. 	2
	<ul style="list-style-type: none"> <u>Scope of LTS Responsibilities:</u> It is not clear in the Plan what the scope of sites will be that will be subject to the DOE LTS Program and functions. DOE should either define this scope in the Plan or establish a process to do so as part of the Plan. 	1
	<ul style="list-style-type: none"> <u>Commitment to Funding for LTS Implementation:</u> There needs to be a clear commitment of the Department to implementation of the Plan, once finalized. In order to assure implementation federal funding needs to be assured to meet the full range of LTS responsibilities, both program-wide and for each site with LTS responsibilities. Alternative financing mechanisms need to be 	2

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| examined and developed to assure long term funding for implementation of LTS responsibilities is sustained into the future. | |
| <ul style="list-style-type: none"> • <u>Outcome vs. Output based Performance Objectives and Measures:</u> Much of the Plan is built upon activity based outputs and measures. There are very few outcome-based objectives, strategies or measures included. As DOE develops the next draft of the Plan it should strive to include more outcome and results based targets. | 2 |
| <ul style="list-style-type: none"> • <u>Definition of LTS:</u> The Plan should include a definition of LTS. Perhaps the box with LTS activities on page 4 would form part of this definition. | 2 |
| <ul style="list-style-type: none"> • <u>Comments on the Mission Statement:</u> <ul style="list-style-type: none"> • Consider changing "promote the reduction of" to "reduce." Consider dropping "environmental" as a modifier to "liabilities" since LTS would also reduce human health liabilities. • The statement "enhance the use of the Department's land and facilities for the public good" may be too broad and open to empire-building interpretations. • Support inclusion of "sustain natural and cultural resources". DOE's track record in these areas can be improved, and given the amount of land DOE controls and the possibility of accelerated land and facility disposition, including this in the mission provides a reminder that the narrow weapons/ national security goal does not preclude wise resource management. | 2
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| <ul style="list-style-type: none"> • <u>Comments on the Vision Statement:</u> <ul style="list-style-type: none"> • Same comment as on the mission Statement. We recommend that "environmental liabilities" be changed to "liabilities" to make sure that public health liabilities are not left out of this vision statement. • In mentioning return of land to its most beneficial uses, the role of the local community in this determination should be acknowledged. • The notions of preventing future liabilities in planning for new facilities and of integrating with other federal agencies should have a place in the vision statement. | 6
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| <ul style="list-style-type: none"> • <u>Comments on the Major Goals:</u> <ul style="list-style-type: none"> • Make Goal II more explicit that the planning and management processes described are those that precede LTS, like development of remedies. • Goal III should also discuss the need for effective institutional controls. | 2 |
| <ul style="list-style-type: none"> • <u>Seven Draft Principles Used to Develop This Plan:</u> <ul style="list-style-type: none"> • DOE should consider dividing the seventh principle into two principles, one that addresses public stakeholder issues that are critically important, and a second that addresses the unique state, tribal, and local government roles in LTS. These roles include but are not limited to, environmental compliance assurance, land use controls, maintenance and enforcement of institutional controls, and protection of human health and the environment. • Principle number 7 should also explicitly note the need for easy public access to good data. | 4
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| <ul style="list-style-type: none"> • <u>Comments on Setting the Stage: A Situational Analysis:</u> <ul style="list-style-type: none"> • Either define or delete "vigilance of duty" in the box on page 4. It is unclear what this means. • While the information presented in the boxes on page 4 indicates DOE's commitment to considering partnering and meaningful public involvement, this theme is not clearly carried through the rest of the document. This concept should also be included in subsequent sections of the document. | 4
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| <ul style="list-style-type: none"> • <u>Comments on The Potential Impact of External Factors:</u> <ul style="list-style-type: none"> • This is a fairly inclusive list. While it is sometimes implicit and a bit unclear in what the purpose is for including various issues, overall it does allow for consideration of some significant future externalities. This is precisely the point of periodic reviews and corrective actions. However, the point should also be made that the uncertainties associated with the future translate into uncertainties in remedies that defer action to the future in order to avoid costs in the present. Thus DOE is choosing to defer relatively known, fixed efforts now in favor of less certain, less understood future activities whose funding is not assured. It would be helpful to have a fuller explanation of how some of the objectives, strategies and measures are designed to anticipate these external factors. • There is one possible external factor that has not been addressed... potential major institutional changes. These might include | 5
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<p>a wide variety of changes such as: changes in the DOE internal organizational structure, roles and responsibilities, elimination or transfer of selected DOE responsibilities to other governmental organizations, changes in federal laws and programs, or changes in state, local or tribal governmental roles and responsibilities.</p>	
<ul style="list-style-type: none"> • <u>Objective 1.1-</u> 	
<ul style="list-style-type: none"> • Objective 1.1 should specifically address working with states, tribes, and local governments in meeting this Goal. The fifth bullet, ability to respond to remedy failures, should be in place today, not targeted for FY05. 	4
<ul style="list-style-type: none"> • This is a very strong objective, with good strategies and measures. The second and third measures are very important. As stated, they may still not be directly measurable—perhaps they can be made more concrete in subsequent drafts. The first measure omits reference to transfers to other federal agencies. The same issues/concerns may not apply in such cases, but there should be a parallel measure to make sure there are clear procedures/accountabilities for such transfers. 	5
<ul style="list-style-type: none"> • It is also our belief that the effectiveness of LTS efforts is closely linked to the understanding by all transferees of DOE property of the nature of public health and environmental risks on the property, the scope of all land and resource use restrictions that are required to prevent unacceptable risk, and the specific reason for each restriction. To that end, we encourage you to consider addressing this issue in the measures for Objective 1.1. The first measure could be expanded to address the importance of full disclosure to and clear communication with transferees. We note that a commenter has proposed that deed restrictions be enforceable by non-DOE entities. We believe that DOE always retain the ability to enforce public health and resource protection restrictions on former DOE property after transfer. While this responsibility should not be shifted from DOE to other parties, other entities, such as state and local government, as well as private parties should also have the authority to enforce institutional controls to ensure future protection. 	6
<ul style="list-style-type: none"> • Independent oversight of DOE's efforts is necessary to validate protectiveness. While self-assessment is a key, it is also essential that independent external assessment be included in various aspects. Their efforts must be reviewed in accordance with guidance and Federal Facility Agreements in addition to the appropriate RODs. 	6
<ul style="list-style-type: none"> • <u>Objective 1.2-</u> 	
<ul style="list-style-type: none"> • The establishment of various long term funding mechanisms (trust funds, etc.) will be an indication of success when measuring this objective. 	1
<ul style="list-style-type: none"> • It may be helpful to cross-reference Objective 3.4 here. (Note also the related point under "Comments" for Objective 1.4.) 	2
<ul style="list-style-type: none"> • We particularly support the last bullet under potential measures. 	5
<ul style="list-style-type: none"> • <u>Objective 1.3-</u> 	
<ul style="list-style-type: none"> • Strategy 1.3.1's reference to clarifying the regulatory framework for LTS is unclear. Somewhere within this strategy should be recognition of the need to include analysis of LTS requirements in remedy development and decisions, including accurate and complete life cycle costs. We also believe DOE's policies and orders could be appropriately revised sooner than FY05. Is the timeframe in the last bullet consistent with the timeframes under Objective 1.2? 	2
<ul style="list-style-type: none"> • Under the potential measure "Maintain a U.S. Environmental Protection Agency, Department of Energy/Defense/Interior inter-agency regulatory workgroup by FY02", add a measure to reflect the ongoing coordination work on LTS with state environmental agencies. 	2
<ul style="list-style-type: none"> • In addition to the use of DOE orders to regulate DOE activities, a review of the need for external regulation is necessary. DOE has no defined procedures for enforcing their own rules. At CERCLA sites, DOE will remain the Lead Agency and is responsible for enforcing CERCLA requirements upon itself, other federal agencies, and possibly private entities. Add: Strategy 1.3.6, Evaluate internal processes for enforcing DOE rules and regulatory commitments. If existing authorities are insufficient to assure enforceability, develop options for independent regulatory functions within or outside of the Department. 	2
<ul style="list-style-type: none"> • <u>Objective 1.4</u> 	
<ul style="list-style-type: none"> • This might be an appropriate place for a Strategy to "Explore capabilities of other federal agencies, states, tribes, local governments, and non-profits to address LTS." 	2
<ul style="list-style-type: none"> • <u>Objective 1.5-</u> 	
<ul style="list-style-type: none"> • We recommend that the strategies for this objective which deal with land use, land transfers, brownfields, etc. specify 	2

- significant state/local/public coordination and involvement.
- It is not clear how the first two strategies relate to the Department's land management. This is another area to explore the roles of other federal and non-federal government agencies. 2
- It is not clear what is meant by "gaps" in the land transfer process. Is this specific to "gaps" relating to residual contamination, monitoring, maintenance, right of access, information management, etc, or rather gaps in the overall transfer process? Given a history of site autonomy, criteria for "best use" must to some degree offset site boosterism and competition for or promotion of new missions. Is there a reason that the fourth and fifth measures assume only open space or industrial as potential future uses? Other uses should be measured as well. 2
- Objective 1.6-
 - Strategies regarding identification of requirements for management of natural and cultural resources, endangered species considerations, etc. (also management strategies for nonfederal owned land, i.e. OE transferred land), should include state and local public involvement. 2
 - Generally, the strategies and measures here are fuzzy as to how they apply to near-term management/inventory responsibilities vs. long-term stewardship or land transfer. This simply needs some clarifying work. Again, this is an area where cooperation with other federal agencies, notably Interior, needs to be taken into account. 2
- Objective 1.7-
 - It is very important to develop and maintain an appropriate long-term stewardship management information system(s), as addressed by the strategy in Objective 1.7. As the decision making-process for each site and the program as a whole will be based on complete, accurate, and up to date information, the design of the information system(s) selected will be very important in implementing the flexible and aggressive LTS Program desired. 5
 - Strategy 1.7.7 should be clear that this includes site-specific data. We would be interested in understanding how the timeframes in the last two bullets are derived. 2
 - EPA is apparently considering development of a database for both CERCLA cleanups and state-lead hazardous cleanups. To the extent EPA is developing such a database, especially to the degree it deals with federal sites, the strategies and measures here need to relate to it. Also, the first measure here may belong under the previous objective. The "Comments" correctly recognize the importance of both preventing loss of potentially essential information and retention of only essential records. We would add, however, that "essential" needs to include information that provides incentives to continue retention and update. For example, retention of health records as part of an archive may attract scholars or foundations to use, update and make information available to meet needs of future generations. 2
 - There needs to be recognition that cooperation with state and local governments is essential on data management. There also should be recognition of the value of redundancy in data systems. 2
- Objective 2.0-
 - Is there significance to the fact that there are no parallel objectives 1.0 or 3.0? Does the term "definition" in the second measure carry specific meaning in this context? How is it different from "scope" in the first measure under Objective 2.1? 2
- Objective 2.1-
 - There doesn't seem to be a measure that follows through on Strategy 2.1.4, improved coordination with community land use planning. The sixth measure appears to be about the only place where the objectives capture the concept of considering LTS in new design from the Mission. 2
- Objective 2.2-
 - Does the first measure imply that the DOE will provide guidance on how to use—or not use—discounting or net-present-value methods in determining LTS costs? To the outsider it is not clear that the remaining measures will directly link the cost information to remedial action or new construction decisions. How will that be accomplished? 2
 - Strategy 2.2.4 should tie back to the development of complete and accurate life cycle costs at the time of remedy decision. In other words, this is when a number should be established and become part of all future funding requirement documents. 2
 - We also wish to emphasize the need to maintain adequate long-term financial assurance for these sites, as addressed by the 2

strategy in Objective 2.2: Providing for long-term funding in the federal budget process to properly maintain these sites is essential. Further, Objective 1.5- ?? of the strategy should address the establishment of trust funds or other financial mechanisms to ensure adequate funding for long-term monitoring and maintenance of sites that are transferred out of the DOE.

- Objective 2.3-
 - Should Order 435.1 be included in the list of "higher level" processes into which LTS principles will be inserted?
- Objective 2.5-
 - This is the first place where the strategies incorporate inter-agency work with other federal agencies. However, the measures do not reflect these strategies.
 - There should be a potential measure that ties to Strategy 2.5.4 re: working with other federal agencies to optimize federal land management.
- Objective 2.6-
 - It may be unavoidable, but targeting plans to reduce LTS liabilities for Fiscal '05 means that many remedial decisions (driven by 2006 closure) will already have been made that may not be consistent with this objective. The "Comments" section suggests it may be helpful in achieving the overall strategies under this objective to separate out "routine" perpetual care and maintenance, or "O & M" type costs from failure and risk/exposure costs.
 - The objective appears to be too narrowly cast on end of pipe controls. DOE needs to incorporate pollution prevention and waste minimization systems into its environmental management systems.
- Objective 3.1-
 - Strategy 3.1.1 is very important. LTS will require building redundancy in oversight, monitoring, information management, etc. It is not clear how the measures capture implementation of that strategy.
 - We wish to emphasize the role of state and other local units of governments in achieving Objective 3.1: Although local government is identified in the strategy to achieve this objective, more detail needs to be developed in this strategy to achieve this objective. State and local units of government must be involved in the detailed development of this strategy.
- Objective 3.2-
 - Strategy 3.2.4 should be coordinated with other federal agencies, especially EPA.
- Objective 3.3-
 - It isn't clear whether the strategies and measures capture a two-way flow. Knowing science and technology needs is one part; knowing how to apply developments in science and technology at specific sites to reduce LTS liabilities is equally important. These strategies and measures need to reflect the deployment side as well.
- Objective 3.4-
 - This is a very important objective for states, tribes and local communities. We stand ready to work with DOE in carrying out this strategy. We would also expect some involvement of other federal agencies as these steps are implemented.

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5. Miamisburg Mound Community Improvement Corporation (MMCIC)	<p>1. The Long-Term Stewardship Strategic Plan is assumed to be a work in progress and will go through several revisions prior to being finalized.</p> <p>2. The current version of the Plan (December 7, 2001) makes several references to involvement by stakeholders, state, local, and Tribal governments:</p> <ul style="list-style-type: none"> □ "Promoting public trust in the Department of Energy through a cooperative partnership with stakeholders and state, local and Tribal governments. (Reference: Vision – page 1) □ "The involvement of stakeholders and state, local and Tribal is critical to Long-term Stewardship." (Reference: Seven Draft Principles Used to Develop This Plan – "7)" page 3) <p>It is not clear however in what form or to what extent community involvement will be accommodated.</p> <p>An alternative view of community involvement that should be considered is that the Long-Term Stewardship Plan is Community Based and a Consensus Plan developed and adopted by the affected entities (i.e. stakeholders, regulators, DOE, state and local governments, etc.) Such an approach shares the ownership of the plan among the affected entities rather than the plan being designated as DOE's plan or the Regulator's plan, etc.</p> <p>3. The current version of the Plan acknowledges the need for flexibility to enable sites to perform necessary long-term stewardship functions (Reference: Seven Draft Principles Used To Develop This Plan – "6)" page 3)</p> <p>This is a key principle and would seem to support the notion of a Community Based Consensus Stewardship Plan as noted above. The Plan in its current form is not clear on this point however, if in fact, this was the intent.</p> <p>4. Organization Structure and Core Capabilities to Perform Long-Term Stewardship Efficiently. (Reference Objective 1.4 – page 8) The "Comments" section that accompanies this objective is extremely insightful and very realistic as it applies to "Concern that despite attempt to identify non-DOE landlords to reuse property, they will not assume the responsibility to maintain I/C's without funding or assurances of funding." This comment would also apply to local governments. An added element to the Plan should be not only assurances for funding, but also a clear statement indicating non-DOE landlords and local governments would not be liable for any actions if they chose to participate in enforcing institutional controls.</p> <p>5. Optimize Use of Lands Managed by Department (Reference: Objective 1.5 – page 8) This is an important element of the Plan where the community's reuse plan and the Department of Energy's plan should be the same and not developed independently. The need for a community based reuse plan goes well beyond the comment, "Commentators concerned that any changes in federal land use occur with public input."</p> <p>6. "Improve coordination of Department of Energy and community land use planning (non-mission related) (Reference: Strategies 2.1.4 – page 11) Rather than "Improved coordination", the strategy should call for join development. Such an approach would support the notion of a community-based strategy for current and future land uses and set the stage for stewardship consensus among entities.</p> <p>7. "Identify roles various parties (Department of Energy, state, Tribal, local governments) may play for sustained capability and engage interested those parties" (Reference: Strategies 3.1.1 page 16) This is a key element in the success of a Long-Term Stewardship Plan that is capable of being implemented. Again, the issues of funding and liability of local governments and property owners need to be addressed.</p> <p>8. "Ensure public access to long-term stewardship information" (Reference: Strategies 3.2.5 – page 16) A strong preference should be noted for local accessibility of information together with an interpretive resource provided. Such local availability is seen as contributing to the public trust in the Department as well as reinforcing the community-based nature of stewardship activities.</p>	<p>5</p> <p>2</p> <p>5</p> <p>5</p> <p>6</p> <p>5</p> <p>2</p> <p>5</p> <p>6</p>
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6. Missouri Department of Natural Resources	<ul style="list-style-type: none"> • Implementation of this plan is a principle concern. The Plan, as written, appears to lack any authority or clear path for obtaining adequate institutional authority to be meaningfully implemented. • DOE should not underestimate the importance of LTS in the larger context of the EM program. DOE has recently demonstrated an 'on again' 'off again' interest in and commitment to LTS. For example, DOE abandoned an S-2 memo, December 2000. • DOE development and implementation of this strategic plan could provide an indicator of the seriousness of purpose of DOE's LTS planning and commitments. States can thereby gauge the level of confidence we should have in relying on LTS as part of the remedies being contemplated at other sites. • It is not clear where this draft plan stands in the DOE review process, and where it will go in order to be incorporated into any process. DOE should provide a clear path forward for how it intends to obtain broad 'buy in' from within DOE, and how it intends to involve external stakeholders. • At what sites will DOE provide LTS of sites? This is a major issue that the plan avoids and there is no opportunity for a clear and open discussion about whether it should or will be a part of the DOE LTS program. • DOE should explicitly address the scope of its LTS responsibilities. This is particularly relevant and urgent with NRC-regulated sites. At a minimum, DOE should commit to developing a process for determining what sites, and under what circumstances, will be added to its LTS responsibilities. • Draft plan includes no interagency component. DOE should outline a process or commitment for determining roles for other agencies at various types of sites. DOE appears to have abandoned its' interagency dialogue processes. • Additional External Factors- 1) Changes in DOE internal organizational structure, roles and responsibilities, 2) Elimination of DOE/transfer of DOE responsibilities, 3) Changes in state and local government, roles and responsibilities. • Objective 1.1 – independent oversight of DOE's efforts are necessary to validate protectiveness. • Objective 1.2 – Establishment of various long term funding mechanisms (trust funds, etc.) will be an indication of success when measuring this objective. • Objectives 1.5, 1.6 – Drafting of these objectives implies that DOE will continue to operate indefinitely as a land management agency. Is this correct? It will be essential for the appropriate agency to coordinate with State and local governing agencies regarding land use. • Objective 1.7 – There is no apparent consideration or acknowledgement of need for redundancy and the need to cooperate with local governments in this and other issues. The objective reads as if DOE were the only source and repository for the information. This is widely recognized to be an unreliable, and a bad idea. • Objective 2.6 – The objective appears to be too narrowly cast on environmental management activities. This plan appears to return to old 'end of the pipe' solutions that ignore the need to plan for environmental issues of waste and contamination before the first spade of dirt is move in constructing the facility. 	6 6 6 2 1 1 1 4 6 1 3 2 2
7. Hugh Hanson, Office of Amarillo Site Operations, DOE	<ul style="list-style-type: none"> • Have come to realize that who the plan commits to do what is a huge void that should be addressed during the drafting - not later. Understand the logic for not including the who, but in this case (and others?) it may be the worst of the evils. Who performs the activity implies a certain spectrum of responsibility and limitation, e.g. HQ would stick to policy matters and guaranteeing resource supply. (Which isn't reflected in the document.) It is most important to identify the who and what responsibilities early. Otherwise the lines of responsibilities become vague/confusing between HQ, Operations, and Site Offices. Result, some of what we have today – support and expectations are unclear and/or not met. • There are a lot of field expectations presented with little if any commitment by HQ to continuously fund field activity at quantum 	6

	<p>levels. Without protected funding this (LTS) could degrade to just an exercise. (Sound familiar?) HQ must commitment to fund. It shows they're serious! How can dates be set without funding being committed? The following old, but true, rule comes to mind: pick any 2 of the following three...you can have it fast, cheap, or good. (That translates to timely, low cost, and quality for some folks.) No disrespect intended, but some reality should be included in this document if we are to have a successful program. Otherwise expectations won't be met in the short term - which dooms the long term.</p> <ul style="list-style-type: none"> • Wording that includes use of "effectively", "appropriately", and "efficiently" imply that past actions have not been so, thus these attributes need to be stated for emphasis. That may be true, but let's try something unique like give us a well defined goal, help remove the barriers that impede progress, and fund our efforts early and then challenge the field sites to get it done effectively, appropriately and efficiently...it shouldn't have to be stated. Reward those that met the challenge. Perhaps it's a culture thing, am not certain. • I see nothing that encourages a site/contractor to perform LT(E)S. Having the contract isn't good enough, because LT(E)S is not a high profile mission objective. Am certain reasons can be given supporting why LT(E)S should be done, but my limited experience indicates more motivation is needed. Am I alone? • It seems both improper and unwise for HQ LT(E)S to prematurely expand the LT(E)S scope to organizations outside of DOE. It diverts attention away from our primary goal. It's alright to interface, but let's prove it works internally first. Good work is easily recognized and tends to expand naturally. • Seven draft principles, principle 3 - Add at the beginning, 'The Department is obligated to protect natural and cultural resources. Resources having...' • Objective 1.1, strategy 1.1.4 - This topic should be addressed on a higher plane within this document, e.g. major goals? Potential measures, 2nd bullet - This statement is too limiting. A budget should be established for all efforts to a site level. 4th bullet - Program oversight by whom of whom? Also, date is funding dependent. 5th and 6th bullet - Date is funding dependent. • Objective 1.2, Add strategy 1.2.5 - 'Identify, protect, and ensure funding at site level is used for intended purpose.' Add potential measures - 'DOE HQ to ensure all sites, regardless of size, have continuous and quantum funding level to perform activities stated within this document.' 'DOE HQ to develop a basic cost risk/cost consequence assessment guide/model to assist field sites in prioritizing facility action list. • Objective 1.3, Strategy 1.3.2, 1.3.3 - Field does not need more directives. Strategy 1.3.4 - Reviews of scope, effectiveness, funding...? Strategy 1.3.5 - Define an 'element.' This strategy is way outside the scope of this program. An independent effort is okay, but should not be included within this document. • Objective 1.4, strategy 1.4.3 - Add 'remove redundancies.' Potential measures, 1st bullet - This means support funds are available now, right? 	<p>2</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>4,6,4,4</p> <p>4</p> <p>4</p> <p>4</p>
8. INEEL CAB	<ul style="list-style-type: none"> • Recommend that DOE accelerate the issuance of LTS policy. LTS policy will not be finalized until FY05, well after most cleanup decisions have been made at most DOE sites. The SSABs have long held that LTS must be addressed in cleanup decisions. • Recommend that DOE clarify its interpretation of the federal government's liability and incorporate that interpretation, as appropriate, throughout the Draft LTS strategic plan. We understand Section 120 of CERCLA to mean that the federal government will forever and always be liable for cleanup of DOE land that has ever been contaminated and cleaned up under CERCLA. It is not clear from this plan that DOE fully comprehends the federal government's liability nor the manner in which that liability could affect how DOE goes about implementing its LTS program. • Recommend that DOE clearly describe what it means by 'closure site' and clarify the relationship between 'closure' and LTS. 'Closure' as it applies to cleanup appears to separate it from LTS. The seven principles identify the need to link cleanup and LTS, recognizing that the type and extent of cleanup will greatly affect the type and extent of cleanup activities needed. • Recommend that emphasis be placed on risk reduction, rather than footprint reduction, throughout the LTS program. Reducing the footprint should not be a goal that competes with reducing risk, however. There may be instances where managing a larger footprint may be the most effective means of reducing risks (through the use of buffer zones, for example). • Recommend that Principle #2 be changed to ensure consistency with the concept that each and every decision DOE makes may have implications for the responsible stewardship of the resources under its purview. Principle #1 identifies LTS as a Department-wide responsibility, yet principle #2 addresses only decisions that impact DOE cleanup. We wonder if DOE is conscious of this 	<p>4</p> <p>2</p> <p>4</p> <p>3</p> <p>4</p>

	<p>apparent disconnect.</p> <ul style="list-style-type: none"> Recommend that all principles be stated definitively, using words that commit the Department (like 'will') rather than those that demonstrate a lack of commitment (like 'should' and 'may'). Language to articulate principles #4 and #5 is not as strong as that used for other principles. Recommend that DOE recognize that its own decisions will be better informed and more widely accepted if those decisions reflect the public's input and government-to-government consultations with Tribal nations. Recommend that DOE ensure that its decision making processes are well informed by engaging its workforce. Key LTS challenges are listed in the second box on page 4. Absent is any mention of developing partnerships with the workforce responsible for implementation of the LTS program. Strategy 1.2.3 – we cannot imagine any time this would not be appropriate. Change the statement to read 'work with the public, state, Tribal, and local governments, and Congress to generate alternative long-term funding mechanisms.' Objective 1.3 should be changed to 'Define and/or Clarify LTS Policy.' Objective 2.0 should be changed to 'Assure that Department Personnel Understand LTS Policy and Intent.' Objective 2.3, strategies – With regard to integrated safety management, the relationship between the two initiatives appears convoluted, however. DOE should also consider how to incorporate ISM into the LTS program. We commend DOE for committing to: objective 1.1, potential measure 3, 6; objective 1.3, strategy 1.3.4; objective 1.4, potential measure 2; objective 2.0, potential measure 2; objective 2.2, potential measure 1; objective 2.3, potential measure 1. Recommend DOE implement its LTS strategic plan (once approved) as quickly as possible. 	<p>4</p> <p>2</p> <p>2</p> <p>2</p> <p>4</p> <p>4</p> <p>6</p> <p>5</p> <p>5</p>
9. Gary Stegner, Fernald, DOE	<ul style="list-style-type: none"> It is beneficial to Fernald that the HQ LTS Plan addresses organizational responsibilities and procedures for identifying and selecting long-term stewards for DOE properties (to be discussed in Objective 2.5). It is also imperative to local planning activities that a national policy on LTS funding be identified as soon as possible (to be addressed in Objectives 1.2, 2.2 and 3.4). Stress the urgency of completing the LTS Strategic Plan as soon as possible so that sites facing closure in 2006 can apply the policy guidance to local LTS planning activities. 	<p>5</p> <p>5</p> <p>5</p>
10. State of Ohio, EPA	<ul style="list-style-type: none"> Be more specific when using the word 'risk.' Many of the future readers of this document may not know what the term 'residual risk' means. Please associate the term with contaminants that may produce potential effects to human health and ecological systems. (Mission) Instead of using the term 'promote the reduction of future environmental liability....,' use the term 'reduce the future environmental liabilities.' The latter term is more direct and still applicable. (Mission) Given that one of the seven principles used to develop this plan is considered critical to LTS, (involvement of stakeholders and state, local and Tribal governments) this principle should be included in the mission statement. The term 'most beneficial uses' is highly subjective and should be removed from the vision statement. The term implies that the planned reuse of the land is the most beneficial use. That assumption is probably not true in many reuse scenarios. What if a community needs land for residential use, yet the proposed former DOE property will only be cleaned up and reused as industrial property. Is this truly the most beneficial land use. The vision statement should end with the text, '...natural and cultural resources for current and future generations.' The means of accomplishing a vision should not be included in the vision statement itself. Objectives support the mission and vision. The first goal seems to be missing an element. To plan or the planning of LTS should be included in this goal to incorporate those sites that currently have no LTS activities or planning in place. Objective 1.1, strategy 1.1.4 only partially supports the objective. What follow through will occur if the periodic evaluation determines the current applicable health and safety strategies do not provide adequate protection? An evaluation alone will not ensure adequate post-remediation protection of human health and the environment. Objective 1.3, 2nd potential measures bullet has a FY03 date assigned to defining the LTS scope. In objective 2.1, the date is FY02 (July). Please reconcile the dates. 	<p>2</p> <p>4</p> <p>4</p> <p>4</p> <p>1</p> <p>2</p> <p>6</p> <p>1</p>

	<ul style="list-style-type: none"> Objective 1.6 – Does this objective apply to non-DOE owned entities? How would this objective be performed or measured at these sites especially in an industrial reuse scenario? 	6
	<ul style="list-style-type: none"> Objective 1.7, 1st potential measures bullet relating to natural and cultural resources belongs in the previous objective's potential measures. 2nd potential measures bullet indicates that the 'critical' information needs be defined by FY 03. What is meant by the word critical? 	6
	<ul style="list-style-type: none"> Objective 3.1- should be split into two objectives to improve clarification. An objective relating to engagement should be created and the strategies and potential measures related to this objective should be explored and explained further than what is presently in this document. The outreach and education portion of this objective would also benefit from further exploration and explanation. The strategies are too vague. 	2
	<ul style="list-style-type: none"> Objective 3.3-please clarify strategy 3.3.3. How will this strategy be accomplished by the DOE? 	2
11. State of Colorado Department of Public Health and Environment	<ul style="list-style-type: none"> While it is understandable that the Plan focuses on DOE efforts, there are several areas for potential inter-federal agency focus that might both make more efficient use of public resources and provide a system that is more consistent and understandable for users and stakeholders. 	2
	<ul style="list-style-type: none"> The Plan should also identify at every level in its hierarchy the need and opportunities for working with State, Tribal, and Local government partners. While this is partially addressed in Objective 3.1, it should also be integrated throughout the document. 	2
	<ul style="list-style-type: none"> Page 1, Mission: <ul style="list-style-type: none"> Consider changing "promote the reduction of" to "reduce." 	2
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Consider dropping "environmental" as a modifier to "liabilities" since LTS would also reduce human health liabilities. 	2
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> We support the comment that worker and community health and safety from residual hazards be included in the mission. We agree with the State of Ohio commentor that this plan or LTS should not become the vehicle for addressing community and worker liabilities from facility operations, but inclusion for liabilities from long-term management is appropriate. 	2
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> We support the inclusion of "sustain natural and cultural resources, and enhance the use of the Department's land and facilities for the public good." DOE does not have a particularly good track record in these areas, and given the amount of land it controls and the possibility of accelerated land and facility disposition, including this in the mission provides a reminder that the narrow weapons/national security goal does not preclude wise resource management. 	2
	<ul style="list-style-type: none"> Page 1, Vision: <ul style="list-style-type: none"> Same comments as for Mission on "environmental liabilities." 	4
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> In mentioning the return of land to its most beneficial uses, the role of the local community should be acknowledged. 	2
	<ul style="list-style-type: none"> Page 1, Major Goals: <ul style="list-style-type: none"> Goal I should acknowledge that the decision to manage rather than treat or remove contamination is made during the remedy selection process. This requires full comparison of LTS alternatives to traditional alternatives. Suggest adding at the end of the existing paragraph, "All remedy decisions must evaluate long-term attributes of remedies as thoroughly as other components." 	2
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Make Goal II more explicit that the planning and management processes described are those that precede LTS, such as the development and selection of remedies. Suggest adding at the end of the sentence, "...including the remedy selection process." 	2
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Goal III should also discuss the need for effective institutional controls. Suggest modifying the first sentence, "...environmental remedies, ensuring the availability of effective long-term controls," 	2
	<ul style="list-style-type: none"> Page 3, Seven Draft Principles: <ul style="list-style-type: none"> In Principle Number 3, add a sentence that reads, "The Department is also responsible for the efficient and effective management of the lands and resources under their control." 	4
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Principle Number 7 should explicitly note the need for easy public access to good data and information. DOE should consider expanding this Principle. As written, the principle addresses public stakeholder issues. A second part should address the State, Tribal, and local government roles, which might include land use, maintenance and enforcement of institutional controls, external regulation, and protection of human health and the environment. Add, "Since it is likely that State, Tribal, and local governments will have some functional or oversight role in LTS activities, these entities should not only be informed 	4

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| regarding long-term decisions, but should have a part in the decision making." | |
| • Page 4, Setting the Stage: | |
| • Consider developing a definition of LTS early in the document. Perhaps the box with LTS activities on page 4 would form a part of this definition, or be the mechanism for displaying it. | 2 |
| • The Potential Impact of External Factors: | |
| • It was a little unclear what this section was supposed to accomplish. It is probably appropriate to identify that things in the future, some anticipated and some unanticipated, could impact what DOE does. This is precisely the point of periodic reviews and corrective actions. However, the point should also be made that the uncertainties associated with the future translate into uncertainties in remedies that defer action to the future in order to avoid costs in the present. Thus DOE is choosing to defer relatively known, fixed efforts now in favor of less certain, less understood future activities whose funding is not assured. Suggest inserting after third sentence, "While the national priorities today favor delaying cleanup and its attendant costs, this delay raises uncertainties in funding, remedy effectiveness and other factors that must be addressed through periodic reviews of the changes and remedy effectiveness." | 4 |
| • Page 6, Objective 1.1 | |
| • The objective should specifically address working with States, Tribes, and local governments in meeting this Goal. Suggest adding bullet to read, "Ensure that all activities incorporate involvement of local communities, and State, Tribal and local governments." | 4 |
| • The fifth bullet, ability to respond to remedy failures, should be in place today, not targeted for FY05. | 4 |
| • Page 7, Objective 1.2: | |
| • We particularly support the last bullet under potential measures. | 5 |
| • Page 7, Objective 1.3 | |
| • Strategy 1.3.1's reference to clarifying the regulatory framework for LTS is unclear. Somewhere within this strategy should be recognition of the need to include analysis of LTS requirements in remedy development and decisions, including accurate and complete life cycle costs. | 2 |
| • We also believe DOE's policies and orders could be appropriately revised sooner than FY05. | 4 |
| • Is the timeframe in the last bullet consistent with the timeframes under Objective 1.2? | 2 |
| • Page 8, Objective 1.4: | |
| • Add strategy to "Explore capabilities of other federal agencies, States, Tribes, local governments, and non-profits to perform LTS functions." | 2 |
| • Page 7 and 8, Objective 1.3 or 1.4: | |
| • In addition to the use of DOE orders to regulate DOE activities, a review of the need for external regulation is necessary. DOE has a poor track record in self-regulation, and has no defined procedures for enforcing their own rules. At CERCLA sites, DOE will remain the Lead Agency and is responsible for enforcing CERCLA requirements upon itself, other federal agencies, and possibly private entities. Add: Strategy 1.3.6, Evaluate internal processes for enforcing DOE rules and regulatory commitments. If existing authorities are insufficient to assure enforceability, develop options for independent regulatory functions within or outside of the Department. | 2 |
| • Page 8+, Objectives 1.5, 1.6, 1.7, 2.1, 2.4 and 2.6: | |
| • Each of these objectives touches in some way upon the need to integrate LTS into DOE planning processes and documents. It would be desirable and maybe possible to link specific strategies across the objectives so that plans referred to in one strategy would acknowledge other planning efforts. | 2 |
| • Page 8, Objective 1.5: | |
| • It is not clear how the first two strategies relate to the Department's land management practices. This is another area to explore the roles of other federal and non-federal government agencies. | 2 |

	<ul style="list-style-type: none"> Page 10, Objective 1.7: <ul style="list-style-type: none"> Strategy 1.7.7 should be clear that this includes site specific data. We would be interested in understanding how the timeframes in the last two bullets are derived. Page 12, Objective 2.2: <ul style="list-style-type: none"> Strategy 2.2.4 should tie back to the development of complete and accurate life cycle costs at the time of remedy decision. In other words, this is when a number should be established and become part of all future funding requirement documents. Add, "Develop guidance for estimating complete and accurate life cycle costs that can be used in remedy selection and for resource allocation by FY03." Page 14, Objective 2.5: <ul style="list-style-type: none"> There should be a potential measure that ties to Strategy 2.5.4 re: working with other federal agencies to optimize federal land management. Add, "Develop a list of contacts with land managers in other federal agencies, and establish routine information sharing and communications regarding long-term controls by FY03." 	2
12. Nevada Operations Office, DOE	<ul style="list-style-type: none"> The report is indirectly purporting to be DOE document rather than one for EM only. This has been an issue in the past which is still not resolved. "LTS Activities" text box on Page 4 contains a number of activities which would be most likely done through state and local agencies through AIPs and Grants. I do not recall seeing such prominence to these types of activities before. Within this plan (page 7) there is a call for national standards for LTS. Any national standard could be difficult to reconcile with state regulatory agreements and site-specific issues such as national security, on-going missions, and climate. Plan lacks an implementation section. Not sure of the time frame issued under objective 1.1-potential measure, 'Legal and other documents transferring DOE lands to non-federal owners contain appropriate enforceable use restrictions and right of access clauses beginning FY 02.' Not sure we (NNSA/NV) are in compliance beginning FY 02. Objective 1.4, potential measure #1 – Not sure of the value of this. What does DOE/HQ plan on training? This measure also seems to be a little redundant with and in time conflict with Objective 2.0. I suppose it may be acceptable to start and revise the training plans and programs as things progress; however, setting up a program a year before actual training starts may seem excessive. 	6 4 4 1 4 4
13. Shoshone-Bannock Tribal/DOE Program	<ul style="list-style-type: none"> Two issues of ultimate concern: LTS effects to our treaty rights and LTS management of our, and DOE, cultural resources that are located on DOE managed facilities. <ul style="list-style-type: none"> Take a serious look at LTS Plans to avoid implications to Indian treaties. Our position in this issue is that a federal agency is not an authority to abrogate tribal treaty rights. Land transfers out of federal control and ownership could be considered an abrogation of our treaty. Three types of cultural resources should be of major interest to DOE: tribal resources, historic properties per and post contact with the Indian populations, and DOE/federal agency historical activities at each site. Fourth bullet discusses the need to change buffer zones and restricted use areas as populations increase. The potency of potential hazards far outweighs the population's pressure on all future decisions. (External Factor-4th bullet) Advances in science and technology should always be considered, however, these advances should never be cited as a means of side stepping the responsibility of protecting human health and environment. Just because we can cure a disease does not mean we should expose ourselves to the disease. (External Factors-6th and 7th bullets) Does this statement mean that if the value of the land is high enough the land will be sold for urban sprawl? (External Factors-8th bullet) Goal I: There is discussion of transferring DOE lands to non-federal owners; however, there is no discussion about transferring DOE lands and DOE managed lands to other federal owners. Does this mean that DOE lands will only be transferred to non-federal owners? What about transfer's to the BLM or to federally recognized Indian Tribes? Regarding budgets (Goal 1, Objectives 1.2, 1.3): Funding for these kinds of lands has to be seriously given great weight when considering institutional/environmental controls in concert with the funding mechanisms for proper management. Will DOE be the only agency receiving funding for LTS? What if the land is transferred to the BLM or a Tribe? Will developers that acquire DOE lands be eligible under any funding criteria? 	6 4 5 2 2 2

- Concerns are expressed that 100% of records of contamination, closure and post-closure plans, and monitoring and maintenance plans will not even be complete until FY15. How can the LTS plan be effective for the next 13 ears if there are uncertainties? (objective 1.7) 2
- Designing realistic sanctions for the consequences is crucial in LTS planning as well as developing a realistic outline for the criteria. The continued discussion of 'optimizing federal land use' makes it sound like 'getting the most out of the land' is the highest priority. Protection of human health and environment should be the highest priority even if it means the land cannot be used for anything for a considerable amount of time. It is important to understand the need and desire to use the land for something else. However, if that is not an option, provisions should be made to accommodate the tracts of land that will not be able to sustain human interaction. (objective 2.5) 2
- It is not clear how DOE can have a reduction of liability on unknown contamination? What if DOE cannot reduce their liability and have to increase it, what will happen? It is disconcerting that DOE is trying to reduce their liability of something, possibly 10 years prior to knowing what it is exactly they are liable for. (objective 2.6) Keep in mind allowing for enough flexibility to accommodate site-specific challenges. 2
- Vision: add bullet 'implement methods to measure and manage residual contamination on existing properties.' Do the principles listed in bullet 3 include methods of complying with federal laws, etc.? 4
- Goal I: Add 'while incorporating newly designed methods.' The future may provide advance technologies to effectively execute this goal. 4
- Goal III: Confusing because the language discusses an 'active' role and the last sentence describes a 'theoretical' method. Both are interactive and the description of a goal should demonstrate the significant relationship between the two. It's not clear which of the two, active or theoretical, could meet the described goal. 2
- This section describes DOE as trustee to two types of resources and further defines these areas as ecological and cultural. The LTS understanding seems to focus on 'areas' as tangible properties. Serious consideration should be made to 'non-tangible' resources and ecological effects to wildlife at DOE facilities/sites. (Seven draft principles, number 3) 2
- This section discusses Department policies. Hopefully the internal policies include the American Indian Policy and the LTS effort is implemented into the intent of this policy rather than the Policy interpreted to fit into the LTS goals. If the latter is considered the intent of the former will be lost. (Seven draft principles, number 4) 6
- Hopefully one of the goals for LTS is to institutionalize the goals. (seven draft principles, number 5) 2
- Continues to be important to make a distinct understanding of tribal nations versus the American public. Although tribes are part of the American public, tribal nations are sovereign governments that should not be treated similar to the general public. (seven draft principles, number 7) 2
- The changes to de-regulate 'safe' levels should not be based on urban growth and development. DOE needs to evaluate those levels based on the demographic situations for each site and those assessments of the populations surrounding the facilities/sites. (External factors, 4th bullet) 2
- As stated earlier, land transfers have a significant importance to tribal nations and treaty rights. Additionally federal compliance with treaty issues is ultimately important particularly when the agency is considering land exchanges, transfers, or relinquishment of DOE owned, or managed, lands. (External factors, eight bullet) 2
- Physical controls described in this section are equally important to those physical controls already in place. These control devices may be more stringent and could be considered in long-term effectiveness. Use of existing controls may prevent reinventing a process that is currently effective. (External factors, tenth bullet) 2
- Objective 1.2, consider adding 1.2.5 'Identify funding toward compliance with various mandates and laws.' Potential measures, consider adding 'Department's LTS budget provide funding for unfunded mandates associative with justified costs.' 4
- Objective 1.3, consider adding 1.3.6-Develop 'integrating a plan to clarify DOE and interagency approach to legal compliance responsibilities.' If DOE returns withdrawn BLM lands back to the latter agency compliance responsibilities/liabilities may be an issue. 6
- Add Strategy 1.4.7-Identify Federal responsibility to Indian treaties and tribal issues in LTS planning. Add Potential Measures-Site managers identify tribal nations and become educated in the Department's role toward treaty compliance. Also, site managers and 4

	<ul style="list-style-type: none"> LTS facilitators incorporate treaty issues in LTS planning. (Objective 1.4) Add Strategy 1.5.8-Identify and review land transfer effects on tribal nations. Add Strategy 1.5.9-Conduct analysis of DOE responsibility in management of cultural resources in land transfer planning. (Objective 1.5) Objective 1.6, consider adding 1.6.4 'Identify DOE site specific natural and cultural resources to determine management strategies. 1.6.5 'Identify the Departments at risk natural and cultural resources targeted for special LTS planning.' Potential measures: consider adding 'Define measures and funding to be utilized in remedial planning for at-risk natural and cultural resources.' Also, incorporate objective 1.6 throughout the LTS planning considerations. Furthermore, it will be important that DOE not pigeonhole these strategies and measures that can be easily overlooked. Also, it is not clear what bullet 6 means in context with potential measures. Please explain. Objective 2, consider adding 2.0.3 'Develop an educational service to inform all above about LTS effects on natural and cultural resources.' Objective 2.1, consider adding 2.1.6 Determine 'LTS effects on federal responsibility to Indian issues and treaties.' Objective 2.3, consider adding in potential measures 'Department evaluate LTS methods absent engineered/institutional controls.' Objective 2.4, consider adding 2.4.3 'Develop methods assuring DOE evaluation on contractor performance in conforming to the LTS plans. Potential measures: consider adding 'Issue contracts that institutionalize DOE commitment to LTS.' Objective 2.5, see comments to 2.4 above. Objective 3.1, 3.1.1 is extremely important and this strategy should be referenced throughout the document and/or represented in various sections, including the introductory statements. 3.1.3 discussed the 'training and qualifications' of the stewards. What is meant about developing the qualifications of stewards? Potential measures: The LTS efforts need to generate educational curriculums at the higher levels in the education system. These individuals may be the immediate target group to continue the LTS goals. Objective 3.2, information management has to consider those types of information that are exempt and confidential. This means that information the Department protects under the 'classified' label and it further means there is other 'confidential and/or exempt' information that must be protected. 	<p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p>
<p>14. Lorene L. Sigal, Oak Ridge, TN</p>	<ul style="list-style-type: none"> Agree with commenters that 'natural and cultural resource management' and 'worker and community health and safety' should <u>not</u> be included in the mission statement. I also recommend they be deleted elsewhere in the plan (e.g., number 3 on pg. 3, 5th bullet in LTS Activities box on pg. 4, objective 1.6, 1st bullet of potential measures on pg. 10, item 2.6.2 under strategies on pg. 15). While important, natural and cultural resource management and worker health and safety are addressed in other federal regulations and DOE orders (see chpt. 9 of LTS Study). There should be a 'cross walk' of LTS with DOE's existing requirements for these areas. References, in the vision statement and elsewhere, to 'reducing the Department's footprint' are misleading. LTS applies to contaminated areas that cannot be cleaned up and will remain the responsibility of DOE, or some other federal agency, for many years. I find 'sustained capability' meaningless. The description that follows is quite clear and appropriate. Find a better header for this goal. Consider using 'Ensure adequate resources and a flexible approach to LTS for current and future generations.' Draft principles on pg. 3 are good. I think you have captured the essence of LTS. Move pg. 5 External Factors to the end of the Plan or delete it or integrate some of it with objective 3.3 (however see my comments on objective 3.3 below). This list of external factors is a 'so what is new' page. These affect everything we do and while they also apply to LTS, there is no need to belabor them here. Insert 'performance' into 'potential measures' starting on page 6 and elsewhere. 'standards' and 'national standards' (item 1.3.5 and the 'comment' for this objective). Somehow 'standard' applied to LTS does not seem appropriate/applicable at this time. I certainly would not want to spend time and money on this until the concept and application of LTS is better understood by DOE and Congress. Regarding the comment on pg. 8 that '...the timing of training (or other) measures should apply...when a site enters LTS' illustrates the lack of understanding of stewardship and the fact that planning for LTS must accompany planning for remediation and decision making (see the vision and major goals on pg. 1). Most of objective 1.5 and all of the potential measures have nothing to do with LTS for contaminated areas. However, there is a 	<p>3</p> <p>2</p> <p>1</p> <p>5</p> <p>4</p> <p>4</p> <p>4</p> <p>4</p> <p>2</p>

	<p>need to clarify the DOE's responsibility for contaminated areas, potential uses, and transfer of contaminated/remediated (but not cleaned up) land. Focus your thinking and develop a new objective that provides guidance for contaminated/remediated lands.</p> <ul style="list-style-type: none"> I am happy to see objective 2.3 and I encourage you to establish a stand alone LTS policy statement as soon as possible. DOE paid lip-service to NEPA until Secretary O'Leary's 1994 NEPA policy. I believe it will take a secretarial policy to establish and integrate LTS into DOE's programs. Add 'public stakeholders' to the list of parties who may play roles in sustaining the capability. (objective 3.1: Strategy 3.1.1) Objective 3.3 is obviously someone's effort to generate funding. Elements of it should be integrated with the other objectives. Beyond some already known science and technology needs, and a recognition/commitment that research dollars should be available as LTS needs are identified or arise. I don't think DOE should spend money now trying to solve as yet unidentified LTS needs. Give serious consideration to ranking/prioritizing the objectives and their strategies and potential performance measures so that first things come first. Also, eliminate redundancies. 	2
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15. Savannah River Site, Citizens Advisory Board	<ul style="list-style-type: none"> Modify the DOE-HQ definition of LTS. LTS should over-arch all of those activities (stabilization and cleanup) by providing the guidance for stewardship (DOE-HQ and SRS). Utilize the industrial support and general support zones of SRS in LTS planning. Establish expected future land use and ownership for the various operable units and base cleanup of the expected land use. Establishment of both active institutional control and passive institutional controls should be required before cleanup is initiated. With this information defined cleanup should utilize this information. Since it is not credible for SRS or DOE to assume Federal Government in perpetuity, DOE and SRS should prepare a parametric analysis showing impacts of other ownership and usage of the land. This parametric analysis should be included as part of the LTS program. (DOE-HQ and SRS) LTS should specify approach and schedule for determining 'end-state' condition for all 'surplused DOE facilities.' This should lead to risk minimization, decontamination and decommissioning and monitoring programs. (DOE-HQ and SRS) Site approach and schedule for determining 'how clean is clean' should be covered in LTS Plan. (DOE-HQ and SRS) DOE and SRS should identify their program for modifying current regulatory standards to allow LTS to reflect land use and ownership. Cleanup standards should be technically based (not the current regulatory based.) (DOE-HQ and SRS) DOE and SRS should define the standards for environmental cleanup and protection. Length of LTS program should be established based upon half-lives and mobility of radionuclides and mobility and natural degradation of chemical releases. Process and schedule for this determination should be specified in the LTS analysis. This length should be used in various parts of the LTS program. (DOE-HQ and SRS) DOE and SRS should include plans for biodiversity in the site environment. The schedule and the plan for SRS Carolina Bay restoration, reintroduction of native species of SRS, long-term monitoring of the environment should be included in the LTS plan. (DOE-HQ and SRS) Program for public participation should be specified. Periodic public review of assumptions, status of work, and new initiatives must be included. LTS, contingent strictly upon federal oversight after the cessation of all site operations, is likely not going to be efficacious; a more effective program of stewardship should include opportunities for future operations that help to defray the costs of stewardship, consistent with prior board motions recommending permanent federal ownership. Future operations should be consistent with prior board motions that dealt with zoning and permanent federal ownership. These future operations should include commercial and industrial economic development consistent with current and past operations, specifically nuclear power plants and nuclear industries. In turn, LTS should set out the parameters for future operations that encompass waste management operations and disposal processes protective of the environment, workers, and citizens. Integrate the EM - SSAB's Recommendations on LTS of Oct. 31, 2000, into appropriate sections of DOE's strategic planning goals on LTS, particularly, funding. Provide broad recommendations for consistent and guaranteed funding for LTS. Consider the funding issues and management concepts raised in the Consortium for Risk Evaluation with Stakeholder 	2
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	<p>Participation's (CRESP) report 46 on Infrastructure and Stewardship at DOE's Former Nuclear Weapons Sites: An Essential Pairing and Opportunity for CRESP, by Henry Mayer and Michael Greenberg.</p> <ul style="list-style-type: none"> • Include and implement a "Comprehensive Environmental Management Systems Approach" or similar method of integrating tools and resources for a comprehensive approach to LTS at individual sites. • Good stewardship would require that the ecological and environmental studies such as those in the 50-year history of the Savannah River Ecology Laboratory (SREL) and the somewhat shorter history of the National Environmental Research Park (NERP) at SRS be continued. This should be included as an objective. SRS with its 300 square miles covering many habitat types (see Davis and Janacek's recent publication on Research Set-Asides) is a unique national resource not to be neglected when planning appropriate stewardship of SRS. This should be extended to the other DOE sites as well. • Appropriate stewardship should develop careful mechanisms to be able to continue building on the research and training base as evidenced by the significant contributions, studies and research at SRS that have been made to both (a) our increased knowledge of how ecosystems function and (b) the great numbers of scientists whose education has been enhanced by time spent at SRS and other sites. This is indeed part of our Nation's leadership and of world-wide importance. • Collaborative sources of funding should be developed both privately and publicly to fund the ecological and environmental studies and research and training base. • "I'll believe DOE's sincerity about PROPER planning for the future stewardship of their sites when they put their money where their mouth is! Right now, I consider DOE's efforts in this arena the very same as they give to other at-the-moment lower priority programs-just lip service with absolutely minimal expenditure of funds!" 	2
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16. National Association of Attorneys General	<ul style="list-style-type: none"> • Each site must be carefully and realistically evaluated to see whether the benefits of allowing contamination to remain in place for a very long time outweigh the disadvantages. It is unwise to create a 'preference for disposal.' • DOE must be careful to explicitly communicate its decision-making process to state and local 'stakeholders.' Communicate early in the process (i.e., remedy selection) with state and local stakeholders. (seven draft principles-principle 7) • DOE must commit to the LTS strategy at the highest level: the Secretary of Energy and the appropriate Assistant Secretaries. • The Draft Plan should be structured so that there is a clear correlation between the findings and recommendations in the reports (NRC August 2000 and LTS Study October 2001) and the Draft Plan's response. (situational analysis-3rd paragraph) • Draft Plan should include a statement of the problem it was written to address: "Remediation planning at individual DOE sites is not currently occurring in a way that explicitly takes into account the needs and limitations of LTS." The problem should be clearly and conspicuously stated. • Two studies state certain primary concerns that are watered-down and virtually lost in verbiage in the Draft Plan: 1) "...contaminant reduction is preferred to contaminant isolation and the imposition of stewardship measures whose risk of failure is high." NRC Study, pg. 3, 2) Any form of LTS is problematic since the contamination at DOE sites will outlast virtually all known barriers or controls we can imagine or employ. NRC Study pg. 3; DOE Study pg. 7-8 and footnote 95 on pg. 94, 3) We do not now have the knowledge or expertise (or funding) to fully remediate existing sites, 4) Funding for LTS cannot be presumed to be available, 5) The burden of LTS (and of failures of LTS remedies) will be borne by countless succeeding generations. • Include cost/benefit requirement for LTS. This would encourage selection of remedies minus LTS. (seven draft principles-principle 2) • Delete last sentence, "This will facilitate the establishment of LTS as an essential element of all facets of Departmental missions" because under ideal circumstances, sites should not require LTS after remediation. LTS should be avoided or minimized by appropriate remedy selection that accurately reflects costs and uncertainties of LTS, not considered an essential element of Departmental missions. (seven draft principles-principle 4) • The statement, "LTS is an enduring commitment by the federal government", no doubt offered in good faith, including it in the Draft Plan is at best merely an effort of enhancing public relations and, at worst, may be viewed as deceptive. (seven draft principles-principle 5) • The last sentence is vague. The sentence might provide more useful guidance if stated as follows: "Future land use will be limited and constrained by the continuing presence of contamination; therefore, as land use practices change and local community structures change, the DOE must regularly reevaluate the effectiveness of existing LTS requirements to ensure adequate protection 	5
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	<p>of public health and the environment." (seven draft principles-principle 5)</p> <ul style="list-style-type: none"> • Additional external factors: 1) The overriding concern that societal control over one or more LTS sites will be lost. The NRC considers this unlikely but recognizes that it cannot be ruled out. 2) Dispersal of significant amounts of radioactive contamination into the environment through terrorist activities or acts of war. • Most of the points listed under goals/objectives involve bureaucratic details that take LTS for granted and do not deal with the hard choices of whether LTS is appropriate either as a national policy or as a protective and cost-effective strategy for any specific site. The following are examples which need better explanation: <ul style="list-style-type: none"> • LTS accounted for in new DOE NEPA guidance documents by FY03. What does "accounted for" mean? What decision would be supported by these NEPA guidance documents? (Objective 2.1, potential measures) • LTS accounted for in new DOE NEPA documents by FY04. Same questions as last bullet. (Objective 2.1, potential measures) • Objective 2.6, Strategy 2.6.2. Need details. • Objective 3.4: Understand Long-Term Funding Options. Should require an honest analysis of whether long-term funding options beyond the federal budget cycle, if realistically estimated, are greater than or less than 'greenfield' cleanups of any given site. 	<p>4</p> <p>5</p> <p>6</p> <p>6</p> <p>6</p>
17. Terry Vought, SRS, DOE	<ul style="list-style-type: none"> • We would like to recommend that any comments you receive be appropriately incorporated (based on what transpires in early February) into an updated draft LTS Strategic Plan and returned to the working group POCs for an additional review. The results of this second review would be a more logical starting point for any review of an LTS Strategic Plan by the executive committee or the public. 	<p>5</p>
18. Betty Nolan, CI, DOE	<ul style="list-style-type: none"> • Cover Page – Needs alignment with the policy objectives of EM-1 and the Secretary (i.e. stop talking about 'centuries' and 'millennia'.) • Mission, Pg. 1 - Is there authorization and/or budget to do more than manage residual risks and reduce future environmental liabilities? (i.e. may not cover protection of human health and the environment, sustaining natural and cultural resources, and enhancing the use of Department's land and facilities for the public good.) Does this mission statement presume expansion? • Comments after Vision, Pg. 1 – Commentors suggest clarifying and/or deleting 'reducing the Department's footprint,' Isn't this precisely what Congress and current management want: a smaller DOE footprint? • Seven Draft Principles, Pg. 3: Long-term Stewardship is a component of all aspects of Departmental decision making – Is it just cleanup or is it in all project planning and execution – to be cognizant of the potential cleanup and LTS costs? • Vision, Pg. 1 – How does DOE promote public trust in the Department through a <u>cooperative partnership</u> with stakeholders, state, local and Tribal governments <u>after</u> closure? • Major Goals, Pg. 1, Goal I reads – Effectively Execute, Document and Evaluate LTS Activities at Sites. Comment -- Design, Execute, and Document appropriate LTS Activities at Sites. Can't 'evaluate' what you 'execute;' conflict of interest. • Major Goals, Pg. 1, Goal II reads – Build LTS into the Way the Department Does Business. Comment – Build LTS into Project Planning and Life-Cycle Cost. • Major Goals, Pg. 1, Goal III reads – Build a Sustained Capability for Current and Future Generations. Comment – Capability for what? What does this goal say, mean? • Seven Draft Principles, Pg. 3 – Number 4 reads, LTS should be incorporated into relevant Department policies, practices and systems. Redundant of number 2? Number 2 reads, LTS is a component of all aspects of Departmental decision making. • Pg. 2 - Haven't you defined 'objectives' here actually as 'measures'? You have a <u>goal</u>, <u>strategies</u> for achieving that goal, and <u>measures</u> of success. What's the difference between an 'objective' and a 'measure'? • Situational Analysis: 2nd paragraph, Pg. 4 – Do you want to say that additional sites may transfer to DOE for LTS? • Situational Analysis: 3rd paragraph, Pg. 4 – Are you answering past reports (i.e. NRC's August 2000 report, LTS Study October 2001) or are you writing a Strategic Plan? • End of Pg. 4 reads – This strategic plan outlines an initial path forward for addressing these issues. Comment – Sounds like a plan to do a plan. • External Factors, Pg. 5 – What is the purpose of this page? Suggest eliminating. 	<p>3</p> <p>3,2</p> <p>3,2</p> <p>4</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>4</p> <p>5</p> <p>2</p> <p>6</p> <p>5</p> <p>4</p>

DRAFT MARCH 20, 2002

19. Barry Clark, EM-20, DOE	<ul style="list-style-type: none"> • Feels natural and cultural resource management, community health and safety are fundamental to LTS. (Mission) • Commentors paragraph after the vision – should be used subsequently and not specifically added to vision statement. • Seven draft principles, principle 2 – Text discusses only cleanup whereas title denotes ‘all aspects of departmental decision making.’ • Objective 1.2, potential measures – How will these be measured? • Objective 1.7, commentors paragraph after potential measures – Agree with commentors; last two measures as written highlight possible ‘mismanagement’ of some percentage of records for the next 13 years as being acceptable. • Objective 2.0, Strategy 2.0.2 – This should be the first thing completed. Until there is a common understanding of what LTS is, all the measurements, analyses, and planning may not be consistent. 	5 1 4 2 2 2
20. State and Tribal Government Work Group	<ul style="list-style-type: none"> • The Plan reveals several areas for potential inter-federal agency focus on long-term stewardship (LTS) that should be more fully explored. • The Plan should also identify at various points the desirability for working with State, Tribal, and Local government partners. While this is partially addressed in the Plan, reinforcing this concept is important to the non-EM components of the DOE. • Mission: <ul style="list-style-type: none"> • We support the comment that worker and community health and safety from residual hazards be included in the mission. We agree that this plan or LTS in general should not become the vehicle for addressing community and worker liabilities from facility operations, but inclusion for liabilities from long-term management is appropriate. • We support the inclusion of “sustain natural and cultural resources, and enhance the use of the Department’s land and facilities for the public good.” DOE does not have a particularly good track record in these areas, and given the amount of land it controls and the possibility of accelerated land and facility disposition, including this in the mission provides a reminder that the narrow weapons/national security goal does not preclude wise resource management. • Page 1, Vision: <ul style="list-style-type: none"> • The notions of preventing future liabilities in planning for new facilities and of integrating with other federal agencies should have a place in the vision statement. Suggest modifying the third bullet to, “...into the Department’s planning and operations for new facilities, and ongoing and closure activities.” • Page 1, Major Goals: <ul style="list-style-type: none"> • Goal I should acknowledge that the decision to manage rather than treat or remove contamination is made during the remedy selection process. This requires full comparison of LTS alternatives to traditional alternatives. Suggest adding at the end of the existing paragraph, “All remedy decisions must evaluate long-term attributes of remedies as thoroughly as other components.” • Make Goal II more explicit that the planning and management processes described are those that precede LTS, such as the development and selection of remedies. Suggest adding at the end of the sentence, “...including the remedy selection process.” • Goal III should also discuss the need for effective institutional controls. Suggest modifying the first sentence, “...environmental remedies, ensuring the availability of effective long-term controls,” • Page 3, Seven Draft Principles: <ul style="list-style-type: none"> • In Principle Number 3, add a sentence that reads, “The Department is also responsible for the efficient and effective management of the lands and resources under their control.” • Principle Number 7 should explicitly note the need for easy public access to good data and information. Modify first sentence to read, “...responsibility to provide information to and consult with...” • As written, the principle addresses public stakeholder issues. A second part should address the State, Tribal, and local government roles, which might include land use, maintenance and enforcement of institutional controls, external regulation, and protection of human health and the environment. Add, “Since it is likely that State, Tribal, and local governments will have some functional or oversight role in LTS activities, these entities should not only be informed regarding long-term 	2 2 4 4 4 2 2 2 4 4 4